
L A W S
OF THE
LEGISLATURE
OF THE
S T A T E
OF
NEW YORK, &c.

Entered at Stationers Hall.

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THE GILBERT

NEW YORK

CHAS. H. KENNEDY

L A W S
OF THE
LEGISLATURE
OF THE
S T A T E
OF
N E W Y O R K,
IN FORCE AGAINST THE
L O Y A L I S T S,
AND
AFFECTING THE TRADE
OF
G R E A T B R I T A I N,
AND
BRITISH MERCHANTS,
AND OTHERS HAVING PROPERTY IN
THAT STATE.

L O N D O N :

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GREAT QUEEN-STREET, LINCOLN'S-
INN-FIELDS.

M.DCC.LXXXVI.

ATTENDING THE
OF
GREAT BRITAIN

BY
JAMES
WATKINS

IN TWO VOLUMES
VOLUME I
LONDON
PRINTED BY
JOHN JOHNSON, ST. PAUL'S CHURCH-YARD
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P R E F A C E.

AMERICA, by a solemn Treaty is become Independent; an Object to which its ambitious Leaders had long aspired. Without animadverting on the Motives or Means to obtain their Desires; the Editor only wishes, that their Justice had been as conspicuous as their Ambition; or, that they had at least manifested a Disposition to observe that Regard to public Faith, which has been thought essential to the Establishment of all New Systems. But although the acquiescence of *Great Britain* in granting the same, was founded as well in an Oblivion of past obnoxious Measures on either side, as a Reciprocity of Advantages, yet such of His Majesty's Subjects, whether Natives of that Country or Residents therein, who adhered to, and maintained their Loyalty and Allegiance to their Sovereign and the *British* Government, have been punished by the Attainder of their Persons, by Banishment, and by Confiscation of their Estates, not
only

only during the War, but after the Arrival of the Preliminary Articles of Peace, which expressly guarded against so injurious Proceedings; and even after the Ratification of the Definitive Treaty in *Europe*, of which the Congress had sufficient Notification.

Parliament therefore, from Commiseration and Justice to so highly injured and meritorious Subjects (whose Property was made Part of the Purchase of the late Peace) appointed Commissioners to enquire into the Losses and Services of those, who, by their well-meant Endeavours and Exertions, in support of the Government and Constitution of *Great Britain*, have been reduced from Ease and Affluence to Poverty and Distress, in order that adequate Compensation may be made them: It is to be lamented, that Collections of the Laws of the several States relating to their ungenerous Treatment of this Description of Persons, have not before this, been presented to the Public; as they would not only have exhibited the most unequivocal Proof of the Vindictive Spirit of those New Legislators, but also shewn how justly the Loyalists are entitled to the Attention of their fellow Subjects, as being utterly deprived of any other Resource. But as the difficulty of procuring proper Documents from so distant and extended a Country, renders it almost impossible for any Individual to make such Collections, as have been thought immediately necessary, and in the hope, that Gentlemen from the other Provinces will, in detached Publications, contribute to the Attainment

ment of these Ends; the Editor, both to set the Example, and consult other public Purposes, has been induced to this Publication.

The Gentlemen from *Massachusetts Bay* and *New Hampshire* have, it is true, published some of the Laws of those States. But in the State of *New York*, by the Laws now submitted to public Consideration, the Trade of *Great Britain* is affected, and *British* Merchants and others, having Property in that State, are immediately interested: And it may not be unworthy of Remark, that the Commander in Chief of His Majesty's Forces, the Governor of the Province, with other Officers in His Majesty's Service, are among the Persons named in the Act of Attainder, passed the 22d of *October*, 1779; and that, besides the Persons particularly named in that Act, the Grand Jurors in the different Counties of the State, have, by their Indictments, worked Forfeitures, and brought Misery and Ruin on Thousands.

Were the Laws of all the States in the Union, passed before and since the Treaty of Peace submitted to public Consideration, it may be presumed, that the Spirit of Emigration, which has for some time past prevailed, would be at an end; as those who think themselves oppressed in their native Country, would find Misery and Distress in an extreme Degree in that Land of *Freedom and Independence*, so highly recommended by the Advocates for *America* on this Side the Water.

The

The Editor has, in an Appendix, added the Definitive Treaty, and the Refusal of the Senate and Assembly to ratify the Fifth Article, together with such other Extracts from the Journals of those two Branches of the Legislature, as tend to shew the Spirit that actuated them in passing some of those Laws, notwithstanding the Objections of the Council of Revision, (consisting of the Governor, the Chancellor, and Judges of the Supreme Court) the third Branch of the Legislature—as also such other Extracts as affect *British* Creditors.

The Editor begs leave further to observe,

First, That those Parts of the several Laws which have been omitted, relate only to the internal Police of the State.

Secondly, That the Treaty is infringed, not only by such Laws as have been passed since the Peace, but by the Non-Repeal of every one of those enacted during the War, and which, to give the Treaty its intended Effect, ought to have been Repealed; for they have their Operation now in full Vigor, the People and subordinate Magistracy, being obliged to obey the Sovereignty of the Country in all the hostile Acts commanded or authorized by their Laws.

CONTENTS.

*Laws for attainting the Persons, and forfeiting
and disposing of the Estates of the Loyalists.*

C H A P. XXV.

A N Act for the Forfeiture and Sale of the Estates of Persons who have adhered to the Enemies of this State, and for declaring the Sovereignty of the People of this State, in respect to all Property within the same. Passed the 22d of October, 1779.	Page 9
--	-----------------------------------

C H A P. LI.

An Act for the immediate Sale of Part of the for- feited Estates. Passed the 10th of March, 1780.	27
---	----

C H A P. LXIV.

An Act, approving of the Act of Congress of the 18th March, 1780, relative to the Finances of the United States, and making Provision for redeeming the Proportion of this State of the Bills of Credit, to be emitted in pursuance of the said Act of Congress. Passed the 15th of June, 1780.	28
---	----

C H A P. XI.

An Act to procure a Sum in Specie, for the Pur- pose of redeeming one sixth Part of the Bills emitted on the Credit of this State, pursuant	16
---	----

* C O N T E N T S.

	Page
to the Act of Congress of the 18th Day of March, 1780, for discharging the Interest of such Bills, and for other Purposes therein mentioned. Passed the 7th of October, 1780.	30
C H A P. XIII.	
An Act for the Amendment of the Law directing the Sales of forfeited Lands. Passed 7th October, 1780.	33
C H A P. LI.	
An Act for the further Amendment of the Laws directing the Sales of forfeited Estates. Passed the 31st of March, 1781.	39
C H A P. XX.	
An Act for the immediate Sale of certain forfeited Estates. Passed the 6th of April, 1784.	41
C H A P. LXIV.	
An Act for the Speedy Sale of the confiscated and forfeited Estates within this State, and for other Purposes therein mentioned. Passed the 12th of May, 1784.	43
C H A P. XXXIII.	
An Act for the Indemnification of the Commissioners of Sequestration, and the Commissioners of Forfeitures, and the Lessees under them, and for other Purposes therein mentioned. Passed March 14th, 1785.	86
C H A P. LXVI.	
An Act to facilitate the Settlement of the waste and unappropriated Lands within this State, and for repealing the Act therein mentioned. Passed the 11th of April, 1785. (<i>which by Mistake is printed in the Body of the Work 1775.</i>)	87
C H A P.	

C O N T E N T S. xi

C H A P. XXXVI.

	Page
An Act for the better securing the Independence of this State, and to that End, requiring all public Officers and Electors, within this State, to take the Test Oath therein contained. Passed March 26th, 1781.	90

C H A P. II.

An Act to abolish Entails, to confirm Conveyances by Tenants in Tail, to distribute Estates Real, of Intestates, to remedy defective Conveyances to joint Tenants, and directing the Mode of such Conveyances in future. Passed 12th July, 1782.	91
--	----

Laws respecting Debts due to Loyalists.

C H A P. I.

A N Act relative to Debts due to Persons within the Enemy's Lines. Passed 12th July, 1782.	95
---	----

C H A P. XII.

An Act to explain and amend the Act, entitled, 'An Act relative to Debts due to Persons within the Enemy's Lines.' Passed the 12th of July 1782. Passed the 24th November, 1784.	99
--	----

C H A P. XVIII.

An Act to enable the Clerks of the respective Cities and Counties within this State, to cancel the Records of certain Mortgages, made and executed to Persons whose Estates are forfeited, on Proof that such Mortgages are satisfied. Passed, November 1784.	102
---	-----

Laws for banishing the Loyalists.—Punishing Adherence to the King of Great Britain.—And to exclude such of his Majesty's faithful Subjects as had left the State at any Time before the 10th Day of December, 1783, from returning to, or residing in the same.

C H A P. XLVII.

AN Act more effectually to prevent the Mischiefs, arising from the Influence and Example of Persons of equivocal and suspected Characters, in this State.—Passed the 30th June, 1778. — 105 Page

C H A P. XXXIII.

AN Act to enable the Person administering the Government, to exchange Persons applying for that Purpose as Prisoners of War, for the Subjects of this State, Prisoners of War with the Enemy.—Passed the 20th of March, 1781. — 109

C H A P. XLVIII.

AN Act more effectually to punish Adherence to the King of Great Britain, within this State.—Passed the 30th of March, 1781. — 110

C H A P. LXVI.

AN Act to preserve the Freedom and Independence of this State, and for other Purposes therein mentioned. Passed the 12th May, 1784. — 111

C O N T E N T S.

xiii

Laws excluding Professional Men from the Exercise of their Professions.

CHAPTER XII.

Page

AN Act making it necessary for the Attornies,
Solicitors, and Counsellors at Law, who have
been licensed to plead or practice in any of the
Courts of Law or Equity, within the late Co-
lony of *New-York*, to produce Certificates of
their Attachment to the Liberties and Indepen-
dence of *America*. Passed October 9th, 1779.

C H A P. XIII.

An Act to amend an Act passed the 9th Day of October, 1779, relative to Attornies, Solicitors, and Counsellors at Law. Passed 30th November, 1781. ———— 120

Laws respecting Trespasses, subjecting the Loyalists, and even Servants of the Crown, to Prosecutions for Acts done by them in the Discharge of their Duty, under the Order of the Commander in Chief of his Majesty's Forces, the Rights of Conquests, and the Law of Nations.

С H A P. XXVI.

Page

AN Act for granting a more effectual Relief in Cases of certain Trespassers. Passed 17th March, 1783. — — — 322

CHAPTER XL.

An Act for suspending the Prosecutions therein mentioned. Passed 21st March, 1783. — 123

CHAP.

CHAP. LIV.

An Act to amend an Act, entitled, "An Act for Relief against absconding and absent Debtors," and to extend the Remedy of the Act, entitled, "An Act for granting a more effectual Relief in Cases of certain Trespasses, and for other Purposes therein mentioned." Passed May 4th, 1784.	Page 125
---	-------------

Laws affecting the Trade of Great Britain, by imposing Duties on British Goods imported in British Bottoms—prejudicial to British Creditors; and subjecting British Merchants with others, resident in the Southern District of the State, to the Payment of enormous Taxes imposed under Pretext, that the same were an equivalent for Taxes not levied in that Quarter during the War,

CHAP. VII.

AN Act imposing Duties on certain Goods, Wares, and Merchandize, imported into this State.—Passed the 18th of November, 1784.	Page 131
---	-------------

CHAP. XXXIV.

An Act to explain and amend an Act entitled, "An Act imposing Duties on certain Goods, Wares, and Merchandize imported into this State." Passed the 18th of November, 1784. (Passed the 15th of March, 1785.)	Page 133
---	-------------

CHAP. LXVIII.

An Act granting a Bounty on Hemp to be raised within this State, and imposing an additional Duty	
--	--

C O N T E N T S. xv

	Page
Duty on Sundry Articles of Merchandize, and for other Purposes therein mentioned. Passed the 12th of April, 1785. — —	136

C H A P. XXXV.

An Act for the Relief of insolvent Debtors within this State. Passed the 17th April, 1784. —	137
--	-----

C H A P. XIV.

An Act to revive and amend an Act entitled, "An Act for the Relief of Insolvent Debtors, within this State." Passed 17th April, 1784. Passed 24th November, 1784. — —	140
---	-----

C H A P. LVIII.

An Act for raising £.100,000 within the several Counties therein mentioned. Passed May the 16th, 1784. — —	145
--	-----

C H A P. XVI.

An Act to compel the Payment of the Arrears of Taxes for enforcing the Payment of Fines and Amerciaments, obliging Sheriffs to give Security for the due Execution of their Offices, and for other Purposes. Passed November 26th, 1784. — — — —	151
--	-----

C H A P. LXXV.

An Act for the Relief of Persons improperly taxed. Passed 20th April, 1785. — —	154
---	-----

Page

125

in, by
ted in
ditors;
others,
ate, to
under
ent for
ng the

Page

131

133

V
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L A W S

ATTAINING THE PERSONS,

FORFEITTING AND DISPOSING

OF THE

ESTATES OF THE LOYALISTS;

C H A P. XXV.

An Act for the Forfeiture and Sale of the Estates of Persons who have adhered to the Enemies of this State, and for declaring the Sovereignty of the People of this State, in Respect to all Property within the same. Passed the 22d of October, 1779.

WHEREAS during the present unjust and cruel War, waged by the King of Great-Britain, against this State, and the other United States of America, divers Persons holding or claiming Property within this State, have voluntarily been adherent to the said King, his Fleets and Armies, Enemies to this State, and the said other United States, with Intent to subvert the Government and Liberties of this State, and the said other United States, and to bring the same in Subjection to the Crown of Great-Britain; By Reason whereof, the said Persons have severally justly forfeited all Right to the Protection of this State, and to the Benefit of the Laws under which such Property is held

Preamble

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or

or claimed; *And whereas* the public Justice and Safety of this State absolutely require, that the most notorious Offenders should be immediately hereby convicted and attainted of the Offence aforesaid, in order to work a Forfeiture of their respective Estates, and vest the same in the People of this State; *And whereas* the Constitution of this State, hath authorised the Legislature to pass Acts of Attainder, for Crimes committed before the Termination of the War: *1781 TO WON*

A Number of Persons by Name, *Ipso Facto*, attainted of the Offence of adhering to the Enemies of the State, and their Estates forfeited to the People of this State.

I. Be therefore enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the Authority of the same, That John Murray, Earl of Dunmore, formerly Governor of the Colony of New-York; William Tryon, Esq, late Governor of the said Colony; John Watts, Oliver De Lancey, Hugh Wallace, Henry White, John Harris Cruger, William Axtell, and Roger Morris, Esquires, late Members of the Council of the said Colony; George Duncan Ludlow, and Thomas Jones, late Justices of the Supreme Court of the said Colony; John Tabor Kempe, late Attorney-General of the said Colony; William Bayard, Robert Bayard, and James De Lancey, now or late of the City of New-York, Esquires; David Matthews, late Mayor of the said City; James Jauncey, George Follnot, Thomas White, William M^d Adam, Isaac Low, Miles Sherbrook, Alexander Wallace, and John Weatherhead, now or late of the said City, Merchants; Charles Inglis, of the said City, Clerk, and Margaret his Wife; Sir John Johnson, late of the County of *Tryon*, Knight and Baronet; Guy Johnson, Daniel Claus, and John Butler, now or late of the said County, Esquires; and John Joost Herkemer, now or late of the said County, Yeoman; Frederick Philipse, and James De Lancey, now or late of the County of *Westchester*, Esquires; Frederick Philipse, (Son of Frederick) now or late of the said County, Gentleman; David Colden, Daniel Kiffam
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the Elder, and Gabriel Ludlow, now or late of *Queens County*, Esquires; Philip Skeene, now or late of the County of *Charlotte*, Esq; Andrew P. Skeene, Son of the said Philip Skeene, late of *Charlotte County*; Benjamin Seaman, and Christopher Billop, now or late of the County of *Richmond*, Esquires; Beverly Robinson, Beverly Robinson the Younger, and Malcom Morrison, now or late of the County of *Dutchess*, Esquires; John Kane, now or late of the said County, Gentleman; Abraham C. Cuyler, now or late of the County of *Albany*, Esq. Robert Leake, Edward Jesup, and Ebenezer Jesup, now or late of the said County, Gentleman; and Peter Dubois, and Thomas H. Barclay, now or late of the County of *Ulster*, Esquires; Susannah Robinson, Wife to the said Beverly Robinson, and Mary Morris, Wife to the said Roger Morris; John Rapalje, of *King's County*, Esq; George Muirson, Richard Floyd, and Parker Wickham, of *Suffolk County*, Esquires; Henry Lloyd the Elder, late of the State of *Massachusetts Bay*, Merchant; and Sir Henry Clinton, Knight, be, and each of them are hereby severally declared to be, *Ipso Facto*, convicted and attainted of the Offence aforesaid; and that all and singular the Estate both real and personal, held or claimed by them the said Persons severally and respectively, whether in Possession, Reversion, or Remainder within this State, on the Day of passing of this Act, shall be, and hereby is declared to be forfeited to, and vested in the People of this State,

II. *And herein further enacted by the Authority aforesaid*, That the said several Persons herein before particularly named, shall be, and hereby are declared to be for ever banished from this State; and each and every of them, who shall at any Time hereafter, be found in any Part of this State, shall be, and are hereby adjudged and declared guilty of Felony, and shall suffer Death as in Cases of Felony, without Benefit of Clergy.

The said Persons banished, and if found within this State, declared Felons, without Benefit of Clergy.

For the Purpose of attaining other Offenders.

And to the End, That for the Purpose aforesaid, Convictions and Attainder for the Offence aforesaid, may in Pursuance of this Act, be had against other Offenders, than those herein before particularly named;

Power to the Courts herein named, to take Indictments, and upon what Proof Grand Jurors to find Bills.

Against Persons either in full Life or deceased, in any County, without Regard to that in which the Offence was committed.

How the Offence shall be charged in the Indictment.

Not necessary to charge therein, whether the Offender is at the Time in full Life, or deceased.

III. *Be it further enacted by the Authority aforesaid*, That it shall and may be lawful for the Grand Jurors, at any Supreme Court of Judicature, to be held for this State, or at any Court of Oyer and Terminer and General Gaol Delivery, or General or Quarter Sessions of the Peace, to be held in and for any County of this State; whenever it shall appear to such Grand Jurors by the Oath of one or more credible Witness, or Witnesses, that any Person or Persons, whether in full Life or deceased, generally reputed, if in full Life, to hold or claim, or if deceased, to have held or claimed, at the Time of their Death respectively, real or personal Estate within this State, hath or have been guilty of the Offence aforesaid; to prefer Bills of Indictment against such Persons as shall then be in full Life, for such Offence, and in Relation to the Offence committed by such Persons in their Lives Time, as shall then be deceased, severally and respectively; notwithstanding that such Offence may have been committed elsewhere, than in the County for which such Grand Jurors shall be summoned.— That in every Indictment to be taken in Pursuance of this Act, the Offence or Offences shall be charged to have been committed in the County where the Indictment shall be taken, notwithstanding such Offence or Offences may have been committed elsewhere; and it shall not be necessary to set forth specially, whether the several Persons charged in such Indictment, were respectively deceased, or in full Life, or were reputed to hold or claim real or personal Estate within this State. And on every such Indictment shall be indorsed, that the same was taken in Pursuance of this Act, and the Day when the same was preferred into Court.

IV. *And*

IV. *And be it further enacted by the Authority aforesaid,* That whenever and as often, as any such Indictment shall be taken, against any Person or Persons, the Sheriffs of the respective Counties, where such Indictments shall be taken, shall forthwith cause Notices thereof, agreeable to such Form as is herein after mentioned, to be published in one or more of the public News-Papers within this State, for at least four Weeks.

When Indictments are found, the Sheriff of the County to publish Advertisements in Form herein after mentioned.

V. *And be it further enacted by the Authority aforesaid,* That in every Case of a Neglect to appear, and traverse agreeable to the Sheriff's Notice, the several Persons charged in such Indictment, whether in full Life or deceased, shall respectively be, and are hereby declared to be, and shall be adjudged guilty of the Offences charged against them respectively. And the several Persons who shall in Pursuance of this Act, either by Reason of such Default, in not appearing and traversing as aforesaid, or upon Trial, be convicted of the Offence aforesaid, shall forfeit all and singular the Estate, both real and personal, whether in Possession, Reversion or Remainder, held or claimed by them respectively, within this State, to the People of this State; and Judgment shall accordingly be awarded in the Supreme Court of this State, against the said Persons respectively. And such Forfeitures, as well of the Estates which were at the Time of their Death, respectively, of Persons deceased, as of Persons in full Life at the Time of Conviction, shall be deemed to have accrued; and the Estates accordingly attached to and vested in the People of this State, as and from the Day charged in each respective Indictment, most distant from the day of the taking thereof.

On Neglect to appear and traverse agreeable to Sheriff's Notice, the Persons charged in the Indictment, whether in full Life or deceased, to be adjudged guilty.

Forfeiture thereon, or on Conviction on Traverse.

Judgment accordingly in the Supreme Court, and how Forfeitures shall be deemed to have accrued, attached and vested.

Provided nevertheless, That where a Trial shall be had upon any such Indictment, the Forfeiture shall in such Case, be deemed to have accrued from the Day to be found by the Verdict of the Jury, by which such Persons shall be respectively convicted, most distant from the

Proviso. How Forfeiture shall be deemed to have accrued by Conviction on Trial.

Purpose for the of this than d;

Authority lawul e Court e, or at d Gene- Quarter and for it shall Oath of witnesses, in full if in full to have ir Death e within of the Indict- en be in Relation persons in deceased, standing mitted if which oned.— n Pursu- ces shall in the e taken, ces may it shall whether Indict- in full n real or And on ed, that his Act, referred

V. And

Proviso. In Favor of Persons pardoned, by whom, and how Benefit of Pardons to be had.

Proviso. In Favor of those who shall have taken the Oath of Allegiance, before 4th of April, 1778, before whom and how to operate.

the Day of the taking of the Indictment; any other Day to be charged in the Indictment notwithstanding. *And provided farther*, That the several Persons who shall have been pardoned in Pursuance of a Declaration or Ordinance, of the Convention of this State, passed the tenth Day of May, in the Year of our Lord One Thousand Seven Hundred and Seventy Seven, offering free Pardon to such of the Subjects of the said State, as having committed reasonable Acts against the same, should return to their Allegiance; or in Consequence of any Proclamation or Proclamations, heretofore issued by the Commander in Chief of the Army of the United States of *America*; may respectively plead their Pardons to Indictments, taken in Pursuance of this Act, in like Manner as they might or could do to Indictments for High Treason, taken in the ordinary Course of Law. *And provided farther*, That each and every Person, who shall at any Time before the fourth Day of April, in the Year of our Lord One Thousand Seven Hundred and Seventy-Eight, have taken the Oath of Allegiance to this State, before the Convention or Councils of Safety of this State; or before the Committee of the said Convention, appointed for enquiring into, detecting and defeating all Conspiracies, which may be formed in this State, against the Liberties of *America*; or the Commissioners appointed for the like Purpose, or a County, District or Precinct Committee; shall and may plead, such taking the Oath of Allegiance in Bar to any Indictment, to be taken in Pursuance of this Act, for Offences committed before the Day on which they respectively took such Oath.

All Indictments on this Law, taken in the other Courts, to be returned by the Clerks into the Supreme Court, and tried at the Bar of that Court.

VI. *And be it further enacted by the Authority aforesaid*, That all Indictments to be from Time to Time, taken in Pursuance of this Act, at any Court of Oyer and Terminer, or General Gaol Delivery, or General or Quarter Sessions of the Peace; shall by the Clerks of the said Courts, respectively be returned, under their respective Hands and Seals, into the Supreme

preme Court of this State, and shall be tried at the Bar of the said Court; and upon the Trial of any such Indictment, no greater Number of Witnesses shall be required, than are required by Law in Cases of Felony, without Benefit of Clergy.

On such Trial no greater Number of Witnesses necessary, than in Cases of Felony.

VII. *And be it further enacted by the Authority aforesaid,* That the several Sheriffs, shall from Time to Time, respectively, return under their Hands and Seals, into the Supreme Court of this State, the several Numbers of the News-Papers, containing the Notices published by them respectively, there to remain as Records of such Notices, until Judgments shall be had against the several Persons, named in such Notices respectively.

Sheriffs from Time to Time, to return to the Supreme Court, the Numbers of the News Papers, in which their Notices shall have been published, there to remain as Records till Judgment.

And to the End, That in Prosecutions for the Offence aforesaid, in Pursuance of this Act, no Advantage may be taken of mere Matters of Form; and that the Defendants may notwithstanding be fully apprized of the several Matters charged against them, in Order to their Defence;

To prevent Advantages for Defect of Form.

VIII. *Be it further enacted by the Authority aforesaid,* That it shall be sufficient in all Indictments to be taken for the Offence aforesaid, in Pursuance of this Act, to Charge generally; that the several Persons therein charged, did on the several Days, and at the several Places therein mentioned, adhere to the Enemies of this State, and the Grand Jurors shall at the Time they deliver any such Indictment into Court, deliver into Court the Examinations or Depositions of the Witness or Witnesses, upon whose Testimony such Indictment was found, to be filed in Court, together with the Indictment; and the Defendants shall respectively upon Application, be entitled to Copies of the Indictments against them respectively, and of such Examinations or Depositions; and the Prosecutor on the Part of the State, shall not upon the Trial, be per-

It shall be sufficient to charge generally in the Indictment, an Adherence to the Enemy, fixing the Days and Places.

The Grand Jurors on Presentments to deliver into Court the Examinations of the Witnesses.

Defendants shall have Copies of Indictments and Examinations.

Prosecutor on trial, not permitted to give other Evidence than what is contained in the Examinations.

The Clerks of the other Courts to return the Examinations as well as the Indictments, into the Supreme Court.

What overt Acts shall be deemed Evidence of High Treason.

permitted to give Evidence of any overt Acts, other than such as shall be charged in such Examinations or Depositions; and the Clerks of the several Courts of Oyer and Terminer and General Gaol Delivery, and General or Quarter Sessions of the Peace, shall return such Examinations or Depositions into the Supreme Court, in like Manner as is herein before directed, with respect to Indictments, taken at the Courts of Oyer and Terminer and General Gaol Delivery, or General or Quarter Sessions of the Peace.

IX. *And be it further enacted by the Authority aforesaid,* That besides the several Matters by the Law of England, declared to be Evidence and Overt Acts of High Treason, in adhering to the King's Enemies; and which are hereby declared to be Evidence and Overt Acts of High Treason, in adhering to the Enemies of the People of this State as Sovereign thereof; the following Matters shall be, and are hereby declared to be Evidence and Overt Acts, of adhering to the Enemies of the People of this State, whereon and for which, Persons may in Pursuance of this Act, be indicted and convicted for the Offence aforesaid; *that is to say,* Being at any Time since the ninth Day of July, in the Year of our Lord One Thousand Seven Hundred and Seventy-Six, (the Day of the Declaration of the Independence of this State within the same) in any Part of the United States, not in the Power or Possession of the Fleets and Armies of the King of Great-Britain, and afterwards voluntarily withdrawing to any Place within the Power or Possession of the King of Great-Britain, his Fleets or Armies; or being apprehended by Order of, or Authority from the Commander in Chief of the Armies of the said United States; or of or from the Provincial Congress, or Conventions or Committees thereof, or Councils of Safety of this State; or the Commissioners above mentioned, appointed for enquiring into, detecting, and defeating all Conspiracies, which may be formed

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In this State, against the Liberties of *America*; or County, District, or Precinct Committees within this State; or by the Supreme Executive Authority of this State, and confined within certain Limits upon Engagement, by Parole or otherwise, not to go beyond such Limits, and breaking such Engagements, and voluntarily escaping to any Place in the Power of the Fleets or Armies of *Great-Britain*, or being so confined as aforesaid, and afterwards permitted by proper Authority, to go to any Place in the Power of the Fleets or Armies of *Great-Britain*, upon Engagement to return within a certain given Time; and not returning within such time, but afterwards remaining at any Place within the Power or Possession of the Fleets or Armies of *Great-Britain*.

And whereas divers Persons, Inhabitants and well affected Subjects of this State, at the Time of the Declaration of the Independence thereof, who had their fixed Residence in the southern District of this State, were obliged on the Invasion of the said District by the Enemy, to fly before their superior Forces, into Parts of this, or some other or others of the said United States, and some of them having thereby abandoned all or the greatest Part of their Property, were so reduced as to have been respectively obliged through absolute Necessity, and the Want of sufficient Habitations, and the necessary Means of Support and Subsistence, to return to their respective Places of Abode; and others of them for the same Cause, having deserted their Habitations, and fled in Manner aforesaid, have for particular Reasons, been permitted, either by the Commander in Chief of the Armies of the said United States, or other lawful Authority, in the Places to which they respectively fled, so returned within the Power of the Enemy, where they also severally still do reside;

Preamble with Respect to certain Persons within the Power of the Enemy.

X. Be it therefore further enacted by the Authority aforesaid, and it is hereby provided, That nothing in this Act contained, shall be construed

Exemptions in their Behalf.

strued to extend to or affect the said Persons, severally and respectively, or any or either of them, except such of them as since his, her or their return to any Place or Places within the Power of the Enemy, has or have done any Act or Thing, which in Judgment of Law, would be construed, deemed and adjudged an Adherence to the Enemies of this State, and High Treason against the People thereof, had such Person or Persons respectively, Voluntarily and Freely, and without any such Cause as aforesaid, returned within the Power of the Enemy. In which Case, such Return within the Power of the Enemy, and such Act or Thing as aforesaid, shall in Judgment of Law, be construed, deemed and is hereby declared, to be adjudged an Adherence to the Enemies of the People of this State.

No Attainder on this Law to exempt from Indictment in ordinary Course.

XI. *And be it further enacted by the Authority aforesaid, and it is hereby provided,* That no Conviction or Attainder, in Pursuance of this Act, shall be construed to exempt any Person or Persons, from being apprehended, tried, convicted, attainted and executed for High Treason, according to the ordinary Course of Law.

Clause concerning fraudulent Conveyances.

XII. *And be it further enacted by the Authority aforesaid,* That all Conveyances and Assignments of any real or personal Estate, made or executed since the ninth Day of July, in the Year of our Lord One Thousand Seven Hundred and Seventy-Six, by any or either of the Persons, who are immediately convicted and attainted by this Act; or any or either of the Persons, who shall be convicted or attainted in Pursuance of this Act; or any or either of the Persons, who shall be convicted or attainted of High Treason, in the ordinary Course of Law, for Offences committed during the present War, shall be presumed to be fraudulent, and to have been made with Intent to prevent a Forfeiture of the Estates, by such Conveyances or Assignments respectively intended to be conveyed or assigned; and upon every Trial, wherein any such Conveyance or Assignment shall come in Question,

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Question, the Burthen of the Proof shall lie upon the Person or Persons claiming under such Conveyance or Assignment; that the same was made and executed *bona fide*, for a valuable Consideration, and not with intent to prevent a Forfeiture as aforesaid.

XIII. *And be it further enacted by the Authority aforesaid*, That all Titles, Estates, and Interests, by executory Devise or contingent Remainder, claimed by any Person hereby, or by Virtue of this Law, to be convicted shall on Conviction, be as fully forfeited to all Intents, Constructions and Purposes, in the Law whatsoever, to the People of this State, as any other Titles, Claims, Estates or Interests whatsoever.

Executory Devises
and contingent Re-
mainders, subjected to
Forfeiture.

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XIV. *And be it further enacted by the Authority aforesaid*, That the absolute Property of all Messuages, Lands, Tenements and Hereditaments: and of all Rents, Royalties, Franchises, Prerogatives, Privileges, Escheats, Forfeitures, Debts, Dues, Duty and Services, by whatsoever Names respectively, the same are called and known in the Law; and all Right and Title to the same, which next and immediately before the ninth Day of July, in the Year of our Lord One Thousand Seven Hundred and Seventy-Six, did vest in, or belong, or was, or were due to the Crown of Great Britain, be, and the same, and each and every of them, hereby are declared to be, and ever since the said ninth Day of July, in the Year of our Lord One Thousand Seven Hundred and Seventy-Six, to have been, and for ever hereafter shall be vested in the People of this State, in whom the Sovereignty and Seignory thereof are and were united and vested, on and from the said ninth Day of July, in the Year of our Lord One Thousand Seven Hundred and Seventy-Six.

Crown Lands, &c.
vested in the People of
the State, and their
Sovereignty and Seig-
nory declared.

XV. *And be it further enacted by the Authority aforesaid*, That the Person administering the Government of this State for the time being, shall be and he is hereby authorized and required, by and with the Advice and Consent of the

Council of Ap-
pointment authorized
to appoint three Com-
missioners, for Sale of
forfeited Estates in
each Great District.

Sales to be at public Vendue on public Notice, and how in other Respects.

Power to seal and deliver Conveyances.

The Operation of the same.

Council of Appointment, to appoint, during the Pleasure of the said Council and Commission, under the Great Seal of this State, three Commissioners of Forfeitures, for each of the Great Districts of this State. That the said Commissioners, or a Majority of them, shall be, and hereby are authorized and required, from Time to Time, to sell and dispose of all real Estates within their respective Districts, forfeited or to be forfeited to the People of this State, at public Vendue, to the highest Bidder or Bidders; and in such Parcels as they shall from Time to Time think proper, first giving eight Weeks Notice of each Sale, in one or more of the public News-Papers in this State, containing a Description as to the Quantity, by Estimation, of the Lands or Tenements to be sold, the Situation thereof, and the Name or Names of the Person or Persons, by the Conviction and Attainder of whom the said Lands or Tenements are deemed to have become forfeited; and to make, Seal and deliver to the Purchaser or Purchasers respectively, good and sufficient Deeds and Conveyances, in the Law, to vest the same in them respectively, and their respective Heirs and Assigns, upon such Purchaser or Purchasers respectively, producing such Receipt from the Treasurer, as is hereinafter mentioned. That every such Purchaser and Purchasers, shall by Virtue of such Deeds and Conveyances, respectively, be so vested in Title, Seizin and Possession of the Lands and Tenements so purchased, as to have and maintain in his, her or their Name or Names, any Action for Recovery thereof, or Damages relating thereto; any actual Seizin or Possession thereof, in any other Person or Persons, notwithstanding. That every such Deed and Conveyance, shall be deemed to operate as a Warranty from the People of this State, to the Purchaser or Purchasers respectively, and their respective Heirs and Assigns, for the Lands or Tenements thereby respectively, granted and conveyed, against all Claims, Titles and Incumbrances whatsoever; and such Purchaser or Purchasers respectively, and their respective

respective Heirs or Assigns, shall in Case of Eviction, have such Remedy and Relief upon such Warranty, in such Manner as shall be more particularly provided for in such future Act or Acts of the Legislature, as are herein after mentioned.

Provided, That the said Commissioners shall not be authorized to sell any Lands, in larger Parcels than the Quantity of Five Hundred Acres in each Parcel, that no more than one Farm shall be included in one and the same Sale, and that the Sales shall be made in the County where the Lands or Tenements to be sold, respectively lie.

Provido. Not to sell more than 500 Acres in a Parcel, nor more than one Farm in one Sale.

And provided further, That nothing in this Law contained, shall be construed, deemed, esteemed, or adjudged, to authorize the Commissioners to be appointed by Virtue hereof, to make Sale of any Lands, Messuages, Tenements, or Hereditaments hereby forfeited, or by Virtue hereof to become forfeited, before or until the first Day of October next; and that all such Sales shall be, and the same hereby are wholly prohibited until that Day.

Nor any Lands before 1st October, 1780 in Part repealed by the Act of the 10th March, 1780, post page 40.

And whereas it is impossible at present, to form an Estimate of what will be a proper Compensation to the said Commissioners, for their Services and Expences in executing the Business hereby committed to them;

XVI. *Be it therefore further enacted by the Authority aforesaid*, That the public Faith of this State shall be, and hereby is pledged to the said Commissioners, for such Allowance and Compensation to them for their Services and Expences (besides the Expences of Surveyors, Clerks, and other incidental Charges) as shall hereafter by the Legislature, be deemed just and reasonable.

Public Faith pledged to the Commissioners for their Services, Expences, &c.

XVII. *And be it further enacted by the Authority aforesaid*, That the Treasurer of this State

The Treasurer authorized to advance

them, not exceeding
2000l. to the Com-
missioners of each
District.

State shall be, and he is hereby authorized, out of the Monies which now are, or hereafter may be in the Treasury, to advance to the said Commissioners for each District, a Sum not exceeding Two Thousand Pounds, to defray the Expence of the Business hereby committed to them.

And whereas in many Instances, Lands, the Reversion or Remainder whereof is, or may become forfeited to this State, are possessed by Tenants who have at considerable Expence, made or purchased the Improvements on the same, and which Tenants have constantly, uniformly, and zealously, since the Commencement of the present War, endeavoured to defend and maintain the Freedom and Independence of the United States;

Provision in Favor
of Tenants of forfeit-
ed Lands.

XVIII. *Be it therefore enacted by the Authority aforesaid,* That where Lands, the Reversion or Remainder whereof, is hereby, or may become forfeited to the People of this State, shall be possessed by any Tenant of the Character above described, and who, or whose Ancestor, Testator, or Intestate, shall have made or purchased the Improvements on the same, they shall continue in Possession at their former Rents, and be at Liberty as heretofore, to transfer their Improvements, until the fee Simple of the said Lands shall be sold, they paying their respective Rents, and the present Arrearages thereof in Money, equal to the current Prices of the Articles of Produce, in which their Rents were heretofore paid, into the Treasury of this State; if such Rents were reserved in Produce, or if reserved in Money, then in so much Money, as will be equivalent to the Price of Wheat at Seven Shillings per Bushel; and that when the fee Simple of the said Lands shall be sold by the Commissioners, to be appointed in Pursuance of this Act, they shall cause such Lands to be appraised by three Appraisers, at what shall be deemed the then present Value thereof, exclusive of the Improvements thereon, at the Time of appraising; That

That one of the said Appraisers shall be elected by the Commissioners, another by the Tenant, claiming the Benefit intended by this Clause, and the third by the said other two Appraisers; That the said Appraisers, previous to the making of such Appraisement, shall each of them take an Oath, and which Oath the said Commissioners are hereby authorised to administer, well and truly to appraise the Lands held by such Tenant, at what shall be deemed the then Value thereof, exclusive of the Improvements thereon; and upon Payment into the Treasury by such Tenant, of the Sum at which such Lands shall be so appraised, within three Months after the making of such Appraisement, together with all Arrearages of Rents, then due thereon; the Commissioners shall convey the Lands so appraised to such Tenant, in like Manner as if such Lands had been sold at public Vendue, and such Tenant had appeared, and been the highest Bidder for the same; *Provided*, That no Person being a Tenant himself, or of Affinity or Consanguinity to the Tenant, requiring such Appraisement to be made, shall be an Appraiser.

And in Order that the Commissioner may be enabled to determine, who are the proper Objects of the Benefit intended by the foregoing Clause;

XIX. *Be it further enacted by the Authority aforesaid*, That no Tenant shall be entitled to such Benefit, unless he or she shall, within one Month after the same shall be required of him or her by the said Commissioners, produce to them a Certificate, to be subscribed by at least, twelve reputable Inhabitants of the County, of known and undoubted Attachment to the American Cause, to be approved of by the Commissioners, and which Inhabitants shall severally declare upon Oath, the Truth of the Matter by them certified, before a Justice of the Peace of the County, who is hereby authorised to administer such Oath, certifying that such Tenant, hath constantly and uniformly

How Tenants are to avail themselves of the above Provision.

formly, since the said ninth Day of *July*, One Thousand Seven Hundred and Seventy Six, demeaned himself or herself, as a Friend to the Freedom and Independence of the United States; and hath, as far forth as his or her Circumstances would admit, taken an active and decisive Part, to maintain and promote the same.

Further Directions
for Proceedings on
Sales.

XX. *And be it further enacted by the Authority aforesaid*, That whenever the said Commissioners shall within their respective Districts, make Sale of any Lands, either at public Vendue, or upon such Appraisement as aforesaid; and the Commissioner, and the Person or Persons to whom such Sale shall be made, having reciprocally subscribed a Memorandum or Note, in Writing, of such Sale; the Commissioners shall immediately thereupon, give to the Person or Persons, to whom such Sale shall be made, a Certificate thereof, to contain the Sum for which the Lands, purchased by such Person or Persons, were sold; and if such Sale was made upon such Appraisement, then also of the Arrearages of Rent, due on such Lands. That the said Person or Persons to whom such Certificates shall be given, shall within three Months from the Date thereof, pay into the Treasury of this State, the Sums in such Certificates respectively specified; and the Treasurer is hereby required and authorised, to receive the same, and to give to the said Person or Persons, paying, duplicate Receipts for the Monies by them respectively paid; and the several Persons to whom such Receipts shall be given, shall, upon their respectively producing and lodging with the said Commissioners one of the said Receipts, be entitled to Deeds and Conveyances, for the Lands by them respectively purchased.

Commissioners au-
thorised to sue Pur-
chaser for Non-per-
formance of Bargain.

XXI. *And be it further enacted by the Authority aforesaid*, That the Commissioners for the respective Districts, shall and may, in their own Names, commence and prosecute any Suit upon a Contract, for the Sale of any Estate, against
any

any Person or Persons, who shall have subscribed such Note or Memorandum in Writing, thereof as aforesaid; and all Damages which shall be recovered by the said Commissioners in such Suits, shall be by them paid into the Treasury of this State.

XXII. *And be it further enacted by the Authority aforesaid,* That all Purchases made at such Vendues by the said Commissioners, or any or either of them, or by any other Person, to or for the Use of them, or any or either of them, shall be null and void; and that each Commissioner, before he enters upon the Execution of his Office, shall appear before one of the Judges of any of the Counties within the District for which such Commissioner shall be appointed, and take and subscribe the following Oath, which such Judge is hereby authorized and required to administer, *viz.*

All Purchases in which Commissioners shall be interested, declared void.

Each Commissioner before entering on his Office to take an Oath.

“ I, *A. B.* appointed a Commissioner of Forfeitures, for the District, do solemnly and sincerely swear and declare, in the Presence of Almighty God, that I will faithfully and honestly execute the said Office, in such manner as I shall conceive most for the Benefit and Advantage of the People of this State, according to the true Intent and Meaning of an Act, entitled, “ *An Act for the Forfeiture and Sale of the Estates of Persons who have adhered to the Enemies of this State, and for declaring the Sovereignty of the People of this State, in Respect of all Property within the same.*”

Form of Oath.

XXIII. *And be it further enacted by the Authority aforesaid, and it is hereby provided,* That the said Commissioners shall not be authorized to sell any Lands which at the Time of the Sale thereof, shall be within the Power of the Enemy; any Thing herein before mentioned notwithstanding.

No Lands to be sold while in the Power of the Enemy.

XXIV. *And be it further enacted by the Authority aforesaid,* That the Treasurer of this State shall, in his Accounts of the Monies arising by the Sales of forfeited Estates, specify the Names of the several Persons to whom the several Estates immediately before the Forfeiture thereof were deemed to

The Treasurer in his Accounts of Monies arising by Sales, to specify the Persons to whom the Estates respectively belonged, to the End that Pro-

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belong,

vision may be made for Payment of their Debts.

belong, as the same shall appear from the Certificate of the Commissioners: *To the End*, That when the Legislature shall by future Act or Acts, to be passed for the Purpose, provide for the Payment of the Debts due from the said Persons respectively, the Amount of the Monies arising from the Sales of their respective Estates, may with the greater Ease be ascertained.

Forms of the several Proceedings or Conveyances on this Law.

XXV. *And be it further enacted by the Authority aforesaid*, That the Forms of the several Proceedings to be had in Pursuance of this Act, and of the Deeds or Conveyances, to be executed by the Commissioners, to be appointed in Pursuance of this Act, shall be as follows, *that is to say*.

The Forms directed in the above Clause being thought unnecessary are omitted.

Forms of Proceedings not hereby particularly prescribed, to be similar to those in Cases of Felony, without Benefit of Clergy.

And that all the Forms of Proceedings in Prosecutions, for the Offence aforesaid, to be had in Pursuance of this Act, other than such as are hereby otherwise specially directed, shall be as nearly as may be similar to the Forms of the Proceedings, in Cases of Felony without Benefit of Clergy, except, that the Word or Words "Offence" or "Offences" (as the Case may be) shall be used instead of the Word or Words "Felony" or "Felonies," and that where a Traverse shall be put in by any Person or Persons, claiming any Estate or Interest, under a Person deceased as aforesaid, all and singular the Proceedings and Processes, shall, notwithstanding, be of the same Form as if the respective Persons, charged in the several Indictments, had been severally in full Life, and had in their own respective proper Persons, appeared and traversed; and for Want of such Traverse, as if such Person had made Default in full Life.

On Traverse by the Representatives of Persons deceased, Proceedings, shall be the same as if the Person was living.

Such Representatives on Affidavit of Interest, to be admitted to traverse.

XXVI. *And be it further enacted by the Authority aforesaid*, That each and every Person or Persons, claiming an Estate or Interest, under any Person deceased, shall and may, upon Affidavit of such Claim, and of the Death of the Person, under whom such Claim shall be made, to be read and filed in Court,

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be admitted to traverse the Indictments against the Persons under whom they so respectively Claim.— That in every Case of such Traverse as last aforesaid, no Trial shall be had thereon, until after the Expiration of the Time herein before limited, for putting in such Traverse. That where two or more Persons shall appear at one and the same Time, and produce such Affidavit, and thereupon apply to be admitted to traverse, the Court may compel such Persons to join in the Traverse ; and that where any Person or Persons, so claiming as aforesaid, shall have been admitted to traverse, and shall have traversed accordingly ; and any other Person or Persons, shall afterwards apply to be admitted to traverse, the Person or Persons so afterwards applying, having respectively produced such Affidavit of a Claim as aforesaid, shall upon the Trial of such Traverse, be permitted to employ Counsel, produce Witnesses, sue forth Subpoena's, for the Attendance of Witnesses, cross examine the Witnesses, on the Part of the State, and do every other Act and Thing, in and about a Defence, in like Manner, and as fully as the Person or Persons, by whom the Traverse shall have been put in.

Many hundreds of Loyalists have been ruined under this LAW, besides those particularly named in the Act.

CHAP. LI.

An Act for the immediate Sale of Part of the forfeited Estates. Passed the 10th of March, 1780.

WHEREAS it is necessary, in Order to raise Monies for providing the Troops of this State, in the Service of the United States, with Cloathing and other Necessaries, that Part of the forfeited Estates, within this State, should be immediately sold ;

No Trial to be had thereon till after Expiration of the Time herein before mentioned, and where two or more separately offer to traverse, the Court may compel them to join.

After Traverse, any other Person applying on Affidavit, may be admitted to join in the Defence.

Preamble,

Proviso, in the Act of 22d of October last, suspending the Sales of forfeited Estates, until 1st of October next, in Part repealed.

Mode of Sales.

I. Be it therefore enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the Authority of the same, That the Proviso in the Act, entitled, "An Act for the Forfeiture and Sale of the Estates of Persons who have adjoined to the Enemies of this State, and for declaring the Sovereignty of the People of this State, in Respect to all Property within the same," passed the twenty-second Day of October last, for suspending the Sales of forfeited real Estates, until the first Day of October next, as far as it respects the Counties of Albany, Ulster, Orange, and Dutchess, except such Lands as lie on the South Side of the Highlands, in the County of Orange, and such Lands as lie on the West Side of Hudson's River, and which are on the North Side of the Mohawk River, in the County of Albany, shall be and is hereby repealed; and that the Commissioners of Forfeitures appointed, or to be appointed in Pursuance of the said Act, shall accordingly, forthwith, after the passing of this Act, proceed to make Sale of all such forfeited real Estates, within their respective Districts, in the Mode prescribed by the said Act.

C H A P. LXIV.

An Act, approving of the Act of Congress of the 18th Day of March, 1780, relative to the Finances of the United States, and making Provision for redeeming the Proportion of this State of the Bills of Credit, to be emitted in Pursuance of the said Act of Congress. Passed the 15th of June, 1780."

BY this Act, Bills of Credit are emitted, and Funds established for their Redemption. By the sixth Clause, certain forfeited Lands are mortgaged for the Security of the Bills of Credit, emitted in Pursuance of the said Act.

"And in Order to establish Funds for the Redemption of the said new Bills, and effectually to secure their Credit;"

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VI. Be it further enacted by the Authority aforesaid, That the following Lands, forfeited to the People of this State; *that is to say*, All Lands forfeited by the Attainder of Sir John Johnson, late of the County of Tryon, Knight and Baronet, and lying in the County of Tryon, on the North Side of the Mohawk River; all Lands forfeited by the Attainder of John Butler, late of the said County, Esquire, situate as aforesaid; all Lands forfeited by the respective Attainders of Philip Skeene, late of the County of Charlotte, Esquire, and Andrew P. Skeene, (Son of the said Philip Skeene) lying in the said County of Charlotte; all Lands forfeited by the respective Attainders of Frederick Philips, now or late of the County of Westchester, Esquire, and Frederick Philips (Son of Frederick) now or late of the said County, Gentleman, lying in the said County of Westchester; all Lands forfeited by the respective Attainders of William Bayard and James De Lancey, now or late of the City of New-York, Esquires, lying in the City of New-York, or in the County of Orange; and all Lands forfeited by the Attainder of Oliver De Lancey, Esquire, now or late of the City of New-York, lying within this State, shall be and are hereby mortgaged and bound, for the Redemption and Security of the said new Bills; and the public Faith of this State is hereby pledged, that the Monies to arise from the Sales of the said forfeited Lands, so mortgaged and bound as aforesaid, shall not, until the Quota of this State of the new Bills, are redeemed and paid on, or until a competent Sum in Gold or Silver, shall be actually raised by the Sales of confiscated Land, Taxes or otherwise, and deposited in the Treasury for the Purpose, be appropriated or applied to any Purpose, other than to redeem and discharge the Quota of this State of the said new Bills; and that the Legislature will, at their first Meeting after the first Day of April next, and at the first Meeting after the first Day of April in every Year, for five Years thereafter, by special Acts to be passed, direct the raising of Taxes for the sole Purpose of redeeming the Proportion of this State of the said new Bills, to be redeemed in each respective Year, and that Gold and Silver, and the said new Bills only, and no other Species of Money shall be receivable in Payment for

Certain forfeited Lands mortgaged for the Redemption and Security of the said new Bills.

Public Faith pledged, that until this State's Quota of the new Bills be redeemed, &c. the Monies arising from the Sales of the mortgaged Lands, shall be applied to no other Purpose than to redeem the said Quota.

That special Acts be passed to raise Taxes for redeeming this State's Proportion of the new Bills.

And that Gold, Silver, or new Bills only, be receivable in Payment for said Taxes.

Provision in Favor of such States as may be rendered incapable to redeem their Quotas of the new Bills.

Commissioners of Forfeiture prohibited from selling any of the mortgaged Lands.

for the said Taxes, and that any Deficiencies in the said Taxes, shall be supplied by the immediate Sale of confiscated Lands, in any Part of this State, for Gold, Silver, or the said new Bills only; and that the Legislature will make seasonable Provision for redeeming a proportional Part of the Quotas of the said new Bills, of such other States as may, by the Events of War be rendered incapable to redeem their respective Quotas. And the Commissioners of Forfeiture are hereby prohibited from selling any of the aforesaid Lands, until the further Order of the Legislature, any Law to the Contrary, notwithstanding.

CHAP. XI.

An Act to procure a Sum in Specie, for the Purpose of redeeming one sixth Part of the Bills emitted on the Credit of this State, pursuant to the Act of Congress of the 18th Day of March, 1780, for discharging the Interest of such Bills, and for other Purposes therein mentioned. Passed the 7th of October, 1780.

Preamble.

WHEREAS the Proportion of the Bills of Credit, assigned to this State for Emission and Redemption, by the Act of Congress of the 18th Day of March last, amounts to Four Hundred and Eighty-seven Thousand, Five Hundred Dollars, and the annual Interest thereof to be paid in Gold or Silver, amounts to Twenty-four Thousand, Three Hundred and Seventy-five Dollars.

Preamble.

And whereas by the said Act it was recommended to the several States to provide Funds for their Quotas of the said Bills, which should be so productive as to sink or redeem one sixth Part of such Quota annually, after the first day of January next;

Preamble.

And whereas certain Lands described in an Act of the Legislature, passed the 15th Day of June last,

last, entitled, " *An Act approving of the Act of Congress of the 18th Day of March, 1780, relative to the Finances of the United States, and making Provision for redeeming the Proportion of this State, of the Bills of Credit, to be emitted in Pursuance of the said Act of Congress,*" are mortgaged and bound for the Redemption and Security of the said Bills; and are most amply sufficient for the Purpose; yet as the Enemy, impelled by their Inveteracy, and the Disaffected by their Malignancy, are using every Art to create Doubts on the Sufficiency of the Fund, thereby to bring on a Depreciation of the said Bills; this Legislature deem it incumbent to guard against such nefarious Attempts, by affording the most incontestable Evidence that the said Bills will be redeemed, and the Interest paid thereon, in Gold and Silver;

1. *Be it therefore enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the Authority of the same,* That the Person administering the Government of this State for the Time being, by and with the Advice and Consent of the Council of Appointment, shall appoint and Commissionate, under the Great Seal of this State, three Commissioners for the southern and middle Districts, and three Commissioners for the western and eastern Districts, to execute the Trusts and Authorities mentioned in this Act. That the said Commissioners in the respective Districts, for which they shall be appointed, or any two of them, respectively, shall be and they are hereby vested with the following Powers, *That is to say,* To sell at private Sale, any of the Lands described in the said Act; and to sell, mortgage, or otherwise dispose of any other forfeited Lands, to the Amount of the Interest annually arising on the said Bills as aforesaid; and that upon such Sales, Mortgages, or other Disposal; Gold, or Silver, and no other Species of Money, shall be received in Payment; and also to sell at private Sale, any of the said Lands first above-mentioned; and to sell, mortgage, or otherwise dispose of any other forfeited Lands, to the Amount of one sixth Part of the said Bills, so to be annually redeemed as aforesaid;

Commissioners to be appointed to execute this Act.

Their Powers, to sell or mortgage forfeited Lands for Gold or Silver only, to the Amount of the Interest of the new Bills.

Also to sell or mortgage to the Amount of one sixth Part of new Bills, for Gold, Silver, or the said new Bills.

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aforesaid; and to the further Amount of Twenty Thousand Dollars; and that upon such Sales, Mortgages, or other Disposal, as last aforesaid; Gold or Silver, or the said new Bills, and no other Species of Money, shall be received in Payment—That in all Cases where the said Commissioners shall, within the respective Districts, make any absolute Sales, the Conveyances shall be of the same Form, except as to the Stile of the Commissioners, with the Form prescribed in and by the said Act, entitled, “*An Act for the Forfeiture and Sale of the Estates of Persons who have adhered to the Enemies of this State, and for declaring the Sovereignty of the People of this State, in respect to all Property within the same;*” and that the Conveyances, from the Commissioners to be appointed in Pursuance of this Act, shall in like Manner be deemed to operate as Warrants from the People of this State—To enter into Covenants and Contracts with any Person or Persons, and in such Manner and Form, as they shall deem best calculated to procure the Monies aforesaid.

Directions with respect to Conveyance.

Commissioners to make Contracts.

Forfeited Estates may be purchased with new Bills.

When Appraisers may be appointed, and how they shall value said Estates.

IV. *And be it further enacted by the Authority aforesaid,* That whenever any Person or Persons shall incline to purchase any Estate for such new Bills, and choose to have the same appraised, it shall and may be lawful for the said Commissioners, and they are hereby required, to join with such intended Purchaser, in appointing Appraisers to appraise such Estate; and such Appraisers shall be sworn to estimate the Value of such Estate, as the same would in their Judgment have sold for in the Year One Thousand Seven Hundred and Seventy-Four; and the said Commissioners or either of them, are hereby authorized to administer the necessary Oath to such Appraisers.

C H A P. XIII.

An Act for the Amendment of the Law directing the Sales of forfeited Lands. Passed 7th October, 1780.

I. **B**E it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the Authority of the same, That the Commissioners of Forfeitures shall not, after the passing of this Act, be authorized to sell, or dispose of any undivided Rights, or Parts of any Lands or Tenements, forfeited, or to become forfeited to the People of this State, until the Legislature shall make further Provision respecting the same; any Thing in any former Act or Acts contained, to the Contrary thereof notwithstanding.

Certain Land forfeited, or to be forfeited, not to be sold till farther Direction. Altered by Proviso in the 19 Sec. of an Act of 12th May, 1784.

II. *And be it further enacted by the Authority aforesaid,* That where any Tenant, who, or whose Ancestor, Testator, or Intestate, shall have made or purchased the Improvements on any Lands, the Reversion or Remainder of which, is or may become forfeited to the People of this State, shall after the passing of this Act, assign his or her Term or Interest; the Assignee or Assignees shall not be entitled to the Benefit of a Purchase by Appraisement, unless such Assignee or Assignees shall produce to the said Commissioners, within one Month after the same shall be required, such Certificate of the Character of the Tenant being the Assignor, as is by Law required, of the Character of the Tenant being the Assignee—And that where there shall have been several mesne Assignments made, after the passing of this Act, the last Assignee shall, in like Manner, be compelled to produce such Certificates of the respective Characters of the several intermediate Assignors.

Assignees of certain Tenants, not entitled to the Benefit of Purchase by Appraisement, but under special Conditions.

The last Assignee to manifest the Character of the intermediate Assignors.

III. *And be it further enacted by the Authority aforesaid,* That it shall be lawful for the Commissioners of Forfeitures, in the respective Districts, to collect and receive all Rents due at the Time of the Sale thereof, on any Lands, the Reversion or

Rents due on Lands, the Reversion or Remainder whereof is forfeited, to be collected by the Commissioners, who may sue for the same.

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Remainder

Remainder whereof shall then have become forfeited to the People of this State: And to commence and prosecute in their own Names, any Action or Actions in Assumpsit for the Recovery of such Rents, with Costs, against any Persons from whom such Rents, were due or owing, or their respective Executors or Administrators, upon a Quantum Meruit for the Use and Occupation of the Lands possessed by the said Persons respectively; and upon the Trial, the Jury shall find a Verdict for the Plaintiffs, for such Sum as shall be proved to them, would have been a reasonable Rent for such Lands, during the Time they were possessed by the Defendant: so as the Damages to be assessed, shall not exceed the whole value of the Rent, which the Defendant shall prove to have been reserved and to have become due, while such Defendant was in Possession of such Lands, and to be then unpaid.

Directions to the Jury.

Proviso. Lessees under Commissioners of Sequestration, not to be sued for Rents by Commissioners of Forfeitures.

provided, That nothing herein contained, shall be construed to authorise the Commissioners to commence Suits against Lessees under the Commissioners of Sequestration, for the Recovery of any Rents reserved by the Commissioners of Sequestration.

How to compel a Discovery of Rents.

IV. And be it further enacted by the Authority aforesaid, That it shall be lawful for the said Commissioners of Forfeitures, in their Discretion, to file Bills in Chancery in their own Names, against any Person or Persons, to compel a Discovery of such Rents—That whenever it shall appear to the Commissioners of Forfeitures, that any Lands, the Arrearages of Rents on which shall be due to the People of this State, have been subject to the Incursions and Depredations of the Enemy, and the Possessors thereof thereby been prevented from enjoying the Profits of such Lands; and any Disputes shall arise respecting the Abatement, which ought to be made in Consequence of the Premises aforesaid; it shall and may be lawful for the said Commissioners, to refer such Dispute to be determined by Arbitrators; and that the Commissioners shall, forthwith, from Time to Time, as they shall receive the same, pay all such Rents into the Treasury of this State.

Disputes as to Abatement of Rent, determined by Arbitrators.

Rents paid into the Treasury.

And

And whereas many Persons who have purchased Lands, forfeited to this State, have neglected or refused to pay into the Treasury thereof, the Sums due on the Purchase of such Lands, although the Time limited for that Purpose by Law, is expired; For Remedy whereof, and to prevent similar Practices in future,

Preamble. As to monies unpaid for forfeited Lands.

V. *Be it enacted by the Authority aforesaid*, That where Purchases of forfeited Lands shall have been made, before the passing of this Act, and the Purchasers shall not have paid into the Treasury of this State, one Half of the purchase Money within one Month, and the remaining Half thereof, within two Months after the passing of this Act; and that where such Purchases shall be made after the passing of this Act, and the respective Purchasers shall not pay into the Treasury of this State, the Whole of the purchase Money, within one Month after such Purchase; that in each and every Case of Default of such Payments as aforesaid, the Purchase shall be deemed and construed to be absolutely null and void: And that in either of the said Cases, the Person or Persons making Default in such Payment, shall for every such Default, forfeit to this State, a Sum equal to one fourth Part of the purchase Money; to be recovered by the Commissioners aforesaid, in their own Names, in an Action of Debt, with Costs; and the said Monies, when recovered, shall be paid by the said Commissioners, into the Treasury of this State.

Delinquent Purchasers of Forfeited Lands — how to be treated.

VI. *And be it further enacted by the Authority aforesaid*, That wherever it shall appear probable to the Commissioners, that any Lands, deemed forfeited to the People of this State, have been mortgaged, sold, or otherwise conveyed, or encumbered by the Person or Persons seized or possessed thereof, previous to their respective Attainders; it shall and may be lawful, to and for the Commissioners, to delay the Sale of such Lands, until the Legislature of this State, shall make further Provision in the Premises.

Lands encumbered; Sale thereof to be delayed.

And whereas in many Instances, Persons have possessed themselves of Lands subject to be seque-

Preamble.

tered, and of Lands forfeited to this State, to the great Injury of the Public; for prevention whereof,

Commissioners of Sequestration to proceed against certain Possessors of Lands, upon the Statutes of forcible Entry and Detainer.

VII. *Be it further enacted by the Authority aforesaid,* That where any Person or Persons shall have become possessed of Lands which were possessed by any Person or Persons who shall then have gone over to, and joined the Enemy, immediately before such Persons, as last aforesaid, did so go over to and join the Enemy; it shall be lawful for the Commissioners of Sequestration of the County where such Lands lie, or a Majority of them, in their own Names, to proceed against the Person or Persons so in Possession as first above-mentioned, upon the Statutes of forcible Entry and Detainer; and if it shall appear in Evidence to the Inquest, that the Premises in Question, were possessed by any Person or Persons in his, her, or their own Right, who shall then have gone over to, and joined the Enemy, at the Time such Persons did so go over to, or join the Enemy; they shall find a forcible Entry and Detainer, against the Person or Persons so having entered; and the Seizen in Fee in the said Commissioners prosecuting, in like Manner as if the said Commissioners had been seized in Fee of the said Premises in Question, at the Time when the Person who was possessed of the same, went off to, or joined the Enemy — That if such Inquisition shall be traversed, and such Matters as aforesaid shall appear in Evidence, on Behalf of the People of this State, the Jury shall find a Verdict against the Defendant;

The Evidence on which a forcible Entry and Detainer shall be found.

In such Case, a Verdict against the Defendant.

Proviso. Shewing where Landlords may take Possession.

Provided, That nothing herein contained, shall be construed to prevent Landlords from taking Possession of Lands where the Term of the Tenant is expired, or where the Tenant had no Interest in the Improvements on such Lands, notwithstanding such Tenant may have been in Possession of such Lands, immediately before he or she went off to, or joined the Enemy.

Proviso. Reserving Landlord's Rights.

And provided further, That nothing herein contained, shall be construed to injure the Rights of Landlords; and every Landlord shall be entitled to a like Remedy for the Recovery of Rents, and be authorized to re-enter upon a Breach of Condition

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or Covenant, or for Non-payment of Rent, and possess the Lands in like Manner, as such Landlord might have done, if the Tenant had not gone off to the Enemy.—That where any Lands shall be sold by the Commissioners of Forfeitures, it shall be lawful for the Purchaser, in his or her own Name, to proceed, upon the Statutes aforesaid, against any Person who shall then be possessed of such Lands; and if it shall appear in Evidence to the Inquest, that the said Lands, on the ninth Day of July, in the Year One Thousand Seven Hundred and Seventy-Six, or at any Time since, were possessed by the Person, by the Attainder of whom the said Lands were deemed to become forfeited, or by the Tenant of such Person; and if so possessed by a Tenant, that the Term of such Tenant is expired; and if the Defendant shall not thereupon prove, to the Satisfaction of the Inquest, that the Person so attainted, did, since the said ninth day of July, One Thousand Seven Hundred and Seventy-Six, and before the Time to which the Attainder of the said Person shall relate, convey the said Lands to the said Defendant, or to the Person under whom he or she doth claim; that the Inquest shall thereupon find the forcible Entry and Detainer against such Defendant, and the Seizen in Fee of such Purchaser on the Day of the Date of the Conveyance to such Purchaser, from the Commissioners of Forfeitures; and if such Inquisition, as last aforesaid, shall be traversed, and such Matters as last aforesaid, shall appear in Evidence on behalf of the People of this State; the Jury shall find a Verdict against the Defendant.—That where any Person shall so have entered upon Lands as aforesaid, and shall not deliver Possession of the Lands, so by him or her possessed, when thereunto required by the said Commissioners of Sequestration, or the Purchaser of such Lands, as the Case may be, and Proceedings shall thereupon be had against such Person, upon the Statutes of forcible Entry and Detainer; and if the said Commissioners of Sequestration, or such Purchaser as aforesaid, shall in Consequence of such Proceedings, obtain Possession of such Lands; the said Commissioners or Purchasers, as the Case may be, shall recover the Costs and Expence of such Proceedings, before any Justice of the Peace within this State; the

Purchasers of forfeited Lands to have Suit against Possessors.

Evidence necessary to the Purchaser's Recovery of the Possession.

Possessors refusing to deliver Possession of forfeited Lands, to pay the Costs and Expences of Recovery before any Justice of the Peace.

Jurisdiction of Justices extended to such Suits.

the Jurisdiction of which Justice is hereby extended to such Suits, notwithstanding the Sum in Demand may exceed the Value of the Sum to which the Jurisdiction of a Justice of the Peace may be limited, by any Law of this State.

Preamble. Respecting Rents due by Tenants gone off to the Enemy.

And whereas it may so happen, that Tenants may have gone off to the Enemy, leaving Arrears of Rent due; and without a special Provision made by Law for the Purpose, the Lessees under the Commissioners of Sequestration, will be liable to pay such Arrears;

Arrears of Rent due on sequestered Lands, to be paid by Commissioners of Sequestration.

VIII. Be it therefore enacted by the Authority aforesaid, That where any Lands shall have become liable to be sequestered, and there shall be Arrears of Rent due on such Lands; it shall be lawful for the Commissioners of Sequestration, out of any Monies which they shall then have in Hand, to pay off all Rents in Arrear, and which may have accrued to the Time when they shall lease such Lands: *Provided,* That where the Commissioners shall deem the Term or Interest of the Tenant, not to be equal in Value to the Arrears of Rent so due; or that the Lands will not, exclusive of the Taxes and the Rent reserved to the Landlords, yield a Rent to the State, sufficient to compensate for the Payment of such Arrears; that then in either of the Cases aforesaid, it shall be lawful for the Commissioners, in their Discretion, to permit the Landlord to enter upon, and possess such Lands.

Proviso. Permitting Landlords to enter upon such Lands, where they will not yield a Rent to the State sufficient to compensate for Arrears.

Where Suits against Purchasers or Lessees, shall be defended by the Attorney-General in behalf of the State.

IX. And be it further enacted by the Authority aforesaid, That in all Cases where Suits shall be commenced against Purchasers, under the Commissioners of Forfeitures, or Lessees under the Commissioners of Sequestration, by Persons claiming the Estate so sold, or leased, by Title opposed to the Title derived under either of the said Commissioners; all such Suits shall be defended at the Expence, and by the Attorney-General, in Behalf of the People of this State.—That it shall be lawful for the Attorney-General, by Warrant from the Person administering the Government of this State, for the Time being, to draw from the Treasury, such Sum and Sums of Money, as the Person administering the Government,

ment, shall deem necessary to be expended in, and about the Defence of such Suits.—That the Attorney-General shall, once in every fix Months, account with the Auditor-General of this State, for the Expenditure of such Monies.—And that the Attorney-General shall, upon a Warrant from the Person administering the Government for the Time being, employ such Counsel to assist, in and about the Defence of such Suits, as the said Person administering the Government shall, from Time to Time, deem necessary.

Monies granted for the Defence of such Suits; Expenditure of which to be accounted for.

When Attorney-General shall employ Counsel to assist him in defending such Suits

CHAP. LI.

An Act for the further Amendment of the Laws directing the Sales of forfeited Estates. Passed the 31st of March, 1781.

WHEREAS in and by the “*Act for the Amendment of the Law directing the Sales of forfeited Lands,*” passed the seventh Day of October last, a certain Time is limited, for the Purchasers of forfeited Lands from the Commissioners of Forfeitures, to pay the Amount of their respective Purchases, into the Treasury of this State, under the Penalties therein mentioned;

Preamble.

And whereas many Persons who have incurred the said Penalties, have by their humble Petition, presented to the Legislature, prayed that a farther Day may be granted to them, to make their respective Payments into the Treasury, and to be relieved against the Penalties aforesaid: And the Legislature having determined to grant the Prayer of the said Petition.

And whereas in and by the “*Act for the Amendment of the Law directing the Sales of forfeited Lands,*” it is declared, that the Commissioners of Forfeitures, should not sell or dispose of any undivided Rights, or Parts of any Lands or Tenements;

And

And whereas the Commissioners of Forfeitures for the Western District, after the passing of the said Act, and before they were notified thereof, had sold certain undivided Rights in certain Lands;

Sales of undivided Rights, made by Commissioners declared legal; and Conveyance to Purchasers paying for the same within limited Time, and in Manner before directed.

VII. Be it therefore further enacted by the Authority aforesaid, That the Sales so made by the said Commissioners last mentioned, shall be, and are hereby declared to be legal and valid; and that the respective Purchasers, who shall have paid into the Treasury the Amount of the Purchase Money, on or before the said first Day of May next, shall be entitled to Conveyances for the same, any Thing in the said Act to the Contrary notwithstanding. And that such Purchasers shall pay their respective purchase Monies in such Currency, or in such Treasury Certificates, and at the same Rates as are herein before mentioned.

Commissioners of Forfeitures to collect certain Rents.

XIII. And be it further enacted by the Authority aforesaid, That it shall be lawful for the Commissioners of Forfeitures, in the respective Districts, and they are hereby required to collect and receive all Rents now due, or which may hereafter from Time to Time become due, on any Lands or Tenements, the Reversion or Remainder whereof shall have already, or may hereafter become forfeited to the People of this State; and to commence and prosecute, in their own Names, any Action or Actions in Assumpsit, for the Recovery of such Rents, with Costs, against any Persons from whom such Rents were, or may become due or owing, or their respective Heirs, Executors or Administrators, upon a Quantum Meruit for the Use and Occupation of the Lands possessed by the said Persons respectively; and the Jury upon the Trial shall find a Verdict for the Plaintiffs, for such Sum as shall be proved to them, would have been a reasonable Rent for the Lands, during the Time they were possessed by the Defendant, his or her Ancestor, Testator or Intestate, so as the Damages so to be assessed, shall not exceed the whole Value of the Rent, which the Defendant shall prove to have been reserved, and to have become due, while such Defendant, his or her Ancestor, Testator or Intestate, was in Possession of such Lands, and to be then unpaid;

Provided

Provided, That nothing herein contained, shall be construed to authorise the Commissioners of Forfeitures, to receive or prosecute for any Rents reserved by the Commissioners of Sequestration; but that such Rents shall be received and recovered, as if the Act had never been made.

Proviso. Rents reserved by Commissioners of Sequestration, not to be sued for by Commissioners of Forfeitures.

CHAP. XX.

An Act for the immediate Sale of certain forfeited Estates. Passed the 6th of April, 1784.

WHEREAS the Public Exigences require that Part of the forfeited Estates should be sold.

Preamble,

I. Be it therefore enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the Authority of the same; That Isaac Stoutenburgh, Esq; one of the Commissioners of Forfeitures for the Southern District, shall, forthwith after the passing of this Act, sell for Gold or Silver only, such Part of the real Estates forfeited to the People of this State, and situate in the City of New-York, or in King's County, and in such Manner as he shall deem most beneficial for this State, to an Amount not exceeding Twenty Thousand Pounds, any former Law to the Contrary thereof in any wise notwithstanding.

One Commissioner of Forfeitures, to sell for Specie.

Forfeited Estates in New-York and King's County only, for a Sum not exceeding 20,000l.

Provided always, That no Part of the confiscated Estates within the said City or County shall be sold as aforesaid, which are mortgaged for the Redemption of the Money emitted by Virtue of the Act entitled, An Act approving of the Act of Congress, of the eighteenth Day of March, One Thousand Seven Hundred and Eighty, relative to the Finances of the United States, and making Provision for redeeming the Proportion of this State of the Bills of Credit, to be emitted in Pursuance of the said Acts of Congress. Passed the 15th Day of June, 1780.

Exceptions.

II. And be it further enacted by the Authority aforesaid, That the said Isaac Stoutenburgh, as Commissioner as aforesaid, shall certify to the Treasurer of this State, the Sum of Money due by every Person,

Mode of Conveyance by the Commissioner.

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son, who shall become a Purchaser of such Estates, and on receiving the Receipt of the Treasurer of this State, that the purchase Money has been paid, shall execute Conveyances for the Estates which shall be by him so sold in the Form prescribed, in and by the Act, entitled 'An Act for the Forfeiture and Sale of the Estates of Persons, who have adhered to the Enemies of this State, and for declaring the Sovereignty of the People of this State, in respect to all Property within the same, passed the 22d Day of October, 1779. only altering such Parts of the said Form as may be necessary properly to express, that the same were made and given by one Commissioner, and that such Conveyances shall be as valid, effectual and operative in the Law, as if the same had been made by all, or a Majority of the Commissioners of Forfeitures for the Southern District.

The Commissioner to file Abstracts, and make Returns.

III. *And be it further enacted by the Authority aforesaid*, That the said Commissioner shall file Abstracts in the Clerk's Office of the County, in which the Lands lie, and which Abstracts shall be entered in a Book, and such Commissioner shall make Return to the Legislature in like Manner, as is directed and prescribed in and by the third and fourth Sections of an Act entitled, an Act for the immediate Sale of Part of the forfeited Estates, passed the 10th Day of March, 1780.

Certain Estates to be demised till May 1785.

IV. *And be it further enacted by the Authority aforesaid*, That the said Commissioner, shall, and he is hereby authorized, to demise until the first Day of May, which will be in the Year One Thousand Seven Hundred and Eighty-five, such of the forfeited Lands and Tenements as are now or may hereafter come into his Possession, and which he shall not sell by Virtue of this Act.

The following Act was preceded by Resolves of the Senate and Assembly, (See Appendix, No. I.) of the 30th and 31st of March, 1784, rejecting the Recommendations of Congress, pursuant to the Treaty of Peace, and the Hostile Laws being unrepealed, it became impracticable for the Loyalists to re-enter the State, and have the Advantage of the Treaty for re-purchasing their former Estates.

C H A P. LXIV.

An Act for the Speedy Sale of the confiscated and forfeited Estates within this State, and for other Purposes therein mentioned. Passed the 12th of May, 1784.

WHEREAS the public Exigences require that the Goods and Chattels, Lands and Tenements which have been forfeited to, and are now vested in the People of this State, by Attainder or Conviction in the Progress of the late War, should be sold and converted into Money, and otherwise applied for sinking and discharging the public Securities;

Preamble reciting the Necessity for Selling forfeited Property.

I. Be it therefore enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the Authority of the same, That the Person administering the Government of this State for the Time being, shall be, and is hereby authorized and required, by and with the Advice and Consent of the Council of Appointment, to appoint during the Pleasure of the said Council, and to commission under the Great Seal of this State, seven Commissioners of Forfeitures, viz. Two Commissioners for the Southern District, one other Commissioner for the Middle District, three Commissioners for the Western District, and one Commissioner for the Eastern District: That it shall and may be lawful, to and for the said Commissioner or Commissioners of Forfeitures to be appointed by Virtue of this Act, for the respective Districts of this State, and they are hereby authorized and required, from Time to Time to sell and dispose of all Lands, Tenements, Hereditaments and real Estate, within their respective Districts, heretofore confiscated and forfeited to the People of this State in Manner herein after directed, and to make Sale and deliver to the Purchaser or Purchasers respectively, or to their respective Heirs or Assigns, good and sufficient Deeds and Conveyances in the Law, to vest the same in him or them respectively: That every such Purchaser and Purchasers, his, her and their Heirs

Council of Appointment to appoint seven Commissioners of Forfeitures.

How many for each District.

Who are to sell all real Property heretofore forfeited, and execute Deeds to Purchasers, which shall be good in Law.

Such Deeds to operate
as Warrants from the
State against all Claims.

If Judgment is ob-
tained against any Pur-
chaser, there shall be
no Writ of Possession
until Payment is made
for Improvements.

Commissioners to sell
either at private Sale or
public Vendue at Dis-
cretion.

and Assigns shall, by Virtue of such Deed and Conveyance respectively, be so vested in Title, Seizen and Possession of the Lands, Tenements and Hereditaments so purchased, as to have and maintain in his, her or their Name or Names, any Action for Recovery thereof, or Damages relating thereto, any actual Seizen or Possession thereof, in any other Person or Persons notwithstanding, That every such Deed and Conveyance shall be deemed to operate as a Warrantee from the People of this State, to the Purchaser or Purchasers respectively, and their respective Heirs and Assigns, for the Lands, Tenements and Hereditaments so to be respectively granted and conveyed against all Claims, Titles and Incumbrances whatsoever, and such Purchaser or Purchasers respectively, and their respective Heirs and Assigns shall, in Case of Eviction have such Remedy and Relief upon such Warrantee, as is consistent with good Faith in such Manner as shall be provided for by future Act or Acts of the Legislature; and if Judgment in a due Course of Law, shall be obtained for any Lands, Tenements or Hereditaments which shall be sold by Virtue of this Act, against any Person or Persons having derived Title here from or under the People of this State, or either of the said Commissioners, the Person or Persons having so obtained Judgment, shall not have any Writ of Possession, nor obtain the Possession of such Lands, Tenements or Hereditaments, until he, she or they shall have paid to the Person or Persons possessing the Title thereto, derived from or under the People of this State, or the said Commissioners or either of them, the Value of all Improvements made thereon after the passing of this Act, as the same shall be estimated, valued, and ascertained by two or more Appraisers; which Appraisers shall be by Rule for that Purpose appointed, by the Court in which such Judgment shall have been obtained, unless the Parties shall agree on the Value of such Improvements, or agree on and submit to Appraisers to value the same.

II. *And be it further enacted by the Authority aforesaid,* That it shall and may be lawful to and for the said Commissioner or Commissioners of Forfeitures,

seizures, and they are hereby fully authorized to sell and dispose of all the confiscated and forfeited Lands, Tenements and Hereditaments within their respective Districts, at public Vendue to the highest Bidder or Bidders, or at private Sale, or by either of the said Modes which he or they may deem to be most beneficial to this State; and that the same shall be sold in such Parcels as the Commissioner or Commissioners shall from Time to Time think proper; first giving six Weeks Notice of the Sale or Sales so to be made by public Vendue, in two or more of the public News-papers of this State, containing a Description as to the Quantity by Estimation of the Lands, Tenements and Hereditaments to be sold, the Situation thereof, and the Name or Names of the Person or Persons by the Attainder or Conviction of whom the said Lands, Tenements and Hereditaments are deemed to have become forfeited.

Six Weeks Notice to be given of Sales at Vendue, with a Description of the Lands, &c.

Provided always, That such Lands, Tenements and Hereditaments shall, in the first Place be put up for Sale at public Vendue; and that if the Commissioner or Commissioners selling the same, shall deem that the highest Bidder hath not bidden a Sum equal to what such Commissioner or Commissioners shall conceive to be the true Value thereof, or nearly so, that then he or they shall adjourn the Sale to a future Day; and if at such future Day he or they shall not be able to procure what shall be deemed by him or them to be the Value thereof, or nearly so, he or they shall no longer be bound to expose the same at public Vendue, but may proceed to dispose of the same by private Contract and Sale, first duly advertising the same as is herein after directed with respect to unimproved Lands to be sold at private Sale in the Eastern and Western Districts.

Proviso. That the Commissioners when Lands are not bid up to their Value, may adjourn the Sale, &c.

And provided also, That if the said Commissioner or Commissioners for the said Eastern and Western Districts, shall deem it prejudicial to the Interest of this State, to sell and dispose of the unimproved Lands or any Part thereof in the said Districts at public Vendue, he or they are hereby authorized to sell and dispose of the same at private Sale in the

Proviso. Commissioners for Eastern and Western Districts may sell at private Sale in the first Instance.

the first Instance; first advertising in two of the public News-papers of this State for four Weeks the Lands so intended for Sale, and the Times and Places when and where they will attend to treat for the Sale thereof.

Where forfeited Lands are mortgaged, Commissioners shall sell the Equity of Redemption only.

Assignments of such Mortgages deemed valid.

Provido. That such Assignments shall be proved to the Chancellor, &c.

When Lands are claimed by Mortgages, Chancellor to inquire & decide on the Merits of the same.

III. *And be it further enacted by the Authority aforesaid*, That in Case any of the said forfeited Lands, Tenements or Hereditaments, shall appear to the said respective Commissioners to be legally charged or incumbered by Mortgage duly executed before the ninth Day of July, in the Year One Thousand Seven Hundred and Seventy-Six, to or for the Use of any Person or Persons not attainted or convicted: The said respective Commissioners shall, in Manner aforesaid, sell and dispose of the Equity of Redemption of such mortgaged Premises only: That every Assignment, by any Person or Persons attainted or convicted as aforesaid to a Person or Persons not attainted or convicted of a Mortgage legally charged on any of the forfeited Lands, Tenements or Hereditaments aforesaid, by the Person under whose Attainder or Conviction the said Lands, Tenements or Hereditaments became forfeited, shall be deemed and adjudged to be good and valid.

Provided, That it shall be proved by competent Witnesses to the Satisfaction of the Chancellor or any of the Justices of the Supreme Court, that the said Assignment was duly executed in due Form of Law prior to the ninth Day of July in the Year last aforesaid; and in such Case the said respective Commissioners shall, in like Manner, sell and dispose of only the Equity of Redemption of such mortgaged Premises: And where any such Lands, Tenements or Hereditaments, shall be claimed to stand charged and incumbered by Mortgage made or executed between the said ninth Day of July in the Year One Thousand Seven Hundred and Seventy-Six, and the Time when in Virtue of any Attainder or Conviction the same became forfeited to the People of this State, it shall and may be lawful to and for the Chancellor of this State, and he is hereby authorized and required, on the Petition of the Commissioner or Commissioners having the

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the Charge thereof on the Part of the State, and of the Claimant under such Mortgage or pretended Mortgage, or either of them, to proceed in a summary Way to inquire into the Merits of such Claim, and after hearing the Parties to make a final Decision thereupon; and if by such Decision the Mortgage shall be decreed to be valid, the Commissioner or Commissioners shall, in Manner aforesaid, sell and dispose only of the Equity of Redemption thereof: And all Mortgages made or executed by any Person or Persons attainted or convicted as aforesaid, to another Person in like Manner attainted or convicted, shall be, and hereby are declared to be, to all Intents, Constructions and Purposes null and void; and it shall be lawful to and for the respective Commissioner, or Commissioners, having the Care of any forfeited Lands, Tenements or Hereditaments claimed to be subject to, or incumbered by such Mortgage, to proceed to the Sale, Disposal, Grant and Conveyance thereof in the same Manner as he or they could or ought to have done if no such Mortgage ever had been made or executed: And if it shall appear to the said Commissioner or Commissioners, that any forfeited Lands, Tenements or Hereditaments within his or their Districts respectively, stand charged or incumbered by Judgment or Judgments legally obtained or recovered in any Court of Record, prior to the said ninth Day of July, in the Year One Thousand Seven Hundred and Seventy-Six, by, at the Suit, or for the Use of any Person or Persons not attainted or convicted as aforesaid, such Judgment or Judgments being in Force and Effect, and remaining unsatisfied; then and in every such Case it shall and may be lawful to and for such Commissioner or Commissioners respectively, and he or they are hereby authorised and required to sell, dispose of, grant and convey, in Manner aforesaid, all such Lands, Tenements or Hereditaments subject and liable to such Judgment or Judgments, and Incumbrances.

Mortgages from one convicted or attainted Person, to another convicted or attainted Person declared void.

Lands forfeited, and incumbered by Judgment, how to be sold.

IV. *And be it further enacted by the Authority aforesaid,* That whenever any Claim shall be made by a Person or Persons on any Lands, Tenements or Hereditaments forfeited to the People of this State,

by

Forfeited Lands claimed in Consequence of a Bargain in Writing, not completed, how to be decided by Chancellors.

When and how Commissioners are to give a Conveyance to a Claimant.

by the Attainder or Conviction of any Person or Persons, by Contract or Bargain, in Writing, for the Purchase of any such Lands, Tenements and Hereditaments made before the ninth Day of July, in the Year One Thousand Seven Hundred and Seventy-Six, and not carried into complete Execution; it shall and may be lawful, to and for the Chancellor of this State to proceed in a summary Way to inquire into the Merits of such Claim, in like Manner as is directed in the preceding Section in Cases of Mortgages, and to make a final Decision thereon; and in Case it shall be decreed that the whole purchase Money has been paid for any such Lands, Tenements or Hereditaments, it shall be the Duty of the said Commissioner or Commissioners, to give a Conveyance to the Claimant for the Premises; but if it shall be decreed that a Part only of the purchase Money has been paid by the Claimant, the said Commissioner or Commissioners shall, on receiving the Sum so decreed to be due, if paid in Gold or Silver within three Months next after such Decree, give a Deed or Conveyance for such Lands, Tenements or Hereditaments to such Claimant.

Provido.

Provided nevertheless, That no Claim as aforesaid, on any Lands, Tenements or Hereditaments forfeited as aforesaid, shall be admitted by the Chancellor, unless the same be made within six Weeks after the passing of this Act, or before the Lands, Tenements or Hereditaments on which such Claim is made, are sold by the said Commissioner or Commissioners; and a Certificate thereof signed by the said Commissioner or Commissioners, be produced to the said Chancellor by the Claimant, certifying that the Lands, Tenements or Hereditaments, on which such Claim is made, are not sold.

What Kinds of Money may be received in Payment for Lands sold by this Act, and at what Rate.

V. And be it enacted by the Authority aforesaid, That it shall and may be lawful for the said Commissioner or Commissioners to receive in Payment for any Lands, Tenements or Hereditaments in and by this Act directed to be sold, the following Species of Money: Certificates and other paper Securities, except for the Payment of Lands, Tenements

nements and Hereditaments herein after otherwise directed to be made, *That is to say*, Gold or Silver at its respective legal or current Value; Bills of Credit emitted in Pursuance of an Act of this State, entitled, "An Act for emitting Monies upon the Credit of this State," passed the 27th Day of March, in the Year 1781, for Gold or Silver; Bills of Credit emitted in Pursuance of an Act of this State, entitled, "An Act approving of the Act of Congress of the 18th March, 1780, relative to the Finances of the United States, and making Provision for redeeming the Proportion of this State of the Bills of Credit to be emitted in Pursuance of the said Act of Congress, passed June 15th, 1780; Bills of Credit emitted by the Authority of the Provincial Congress of this State, while it was a Colony, and by the Convention of this State, at the Rate of One Dollar in Silver for every One Hundred and Twenty nominal Dollars in such Bills; Bills of Credit emitted by the Authority of Congress, or of the United States of America in Congress assembled, at the Rate of one Dollar in Silver for every One Hundred and Twenty nominal Dollars in such Bills; Bills of Credit emitted by the Authority of the Legislature of the late Colony, now State of New-York, at the Rate of one Pound in Gold and Silver for every One Hundred and Twenty Pounds nominal Value in such Bills: Certificates issued by the Treasurer of this State, for Monies borrowed for the Use of this State, and directed to be paid by an Act, entitled, "An Act to provide for the Payment of certain contingent Expences of this State, passed the 25th Day of October, 1779," reduced to the Value of Gold or Silver by the Continental Scale of Depreciation; Certificates issued by the Agent of this State, in Pursuance of an Act, entitled, "An Act to procure Supplies for the Use of the Army, and to prevent a Monopoly of Cattle within this State, and more effectually to prevent Supplies of Cattle to the Enemy, passed the 24th Day of June, 1780; Certificates issued by the Treasurer of this State, in Pursuance of an Act, entitled, "An Act to provide for the Payment of certain Monies taken on Loan by this State, passed the 30th Day of

June, 1780, at the Rate of one Dollar in Silver, for every Forty of the nominal Dollars specified in such Certificates; Warrants with Receipts thereon endorsed given by Virtue of the Act, entitled, "An Act to compleat the Continental Battalions, raised under the Direction of this State," passed the 1st Day of July, 1780, at the Rate of one Dollar in Silver for every Bushel of Wheat specified in such Warrants; Certificates granted for Horses purchased by this State, for the Use of the Armies of the United States, in the Year One Thousand Seven Hundred and Eighty; Accounts liquidated and certified, or Certificates granted by the late Auditor General of this State, or the Auditor of the State for the Time being, reduced to Specie Value (if not already so reduced) by the Continental Scale of Depreciation; Certificates issued by the Auditors appointed in Pursuance of the Act, entitled, "An Act to liquidate and settle the Accounts of the Troops of this State in the Service of the United States," passed the 4th Day of October, 1780; Certificates issued by the Continental Commissioner of Loans in this State, for Monies lent to the United States, reduced to their Value in Specie by the Continental Scale of Depreciation; Certificates given, or which may be given by Virtue of the Act, entitled, "An Act to empower the Auditors appointed to liquidate and settle the Accounts of the Troops of this State in the Service of the United States, to grant Certificates to the Troops of this State in the Service of the United States, for their Pay accrued for the Time therein mentioned," passed at this present Meeting of the Legislature; Certificates given or to be given by the Continental Commissioner or Commissioners of Accounts within this State, for Services performed, or Articles delivered by the Inhabitants of this State for the Use of the United States; Certificates given or to be given, by the Commissioners appointed by Virtue of an Act for the Appointment of Commissioners to procure Monies on Loan, and Clothing for the Use of this State, passed the 7th March, 1781; Certificates given or to be given, by Virtue of an Act for the Settlement of the Pay of the Levies and Militia for their Services in the late War,

and

And the Interest due thereon to be allowed.

and for other Purposes therein mentioned, passed at this present Meeting of the Legislature; and that the Interest due, or to become due to the Time of Sale, shall be allowed to the Person or Persons so paying the same, and that all such of the said Notes, Certificates or Securities herein before mentioned, and which are not negotiable, shall be, and hereby are declared to be negotiable from and after the passing of this Act, any Law to the Contrary in any Wise notwithstanding.

Certificates not heretofore negotiable, declared to be hereafter.

VI. *And be it enacted by the Authority aforesaid,* That no greater or further Sum in Bills of Credit emitted by the Authority of Congress, or of the United States of America in Congress assembled, than the Sum of Five Millions of Dollars in such Bills, shall be received in Payment for the Lands, Tenements and Hereditaments directed to be sold by this Act, and the Act, entitled, "An Act to encourage the Settlement of the waste and unappropriated Lands within this State, passed at this present Meeting of the Legislature: And it is hereby made the Duty of the said Commissioner and Commissioners on the Receipt of any Sum in such Bills, immediately to transmit an Account thereof to the Treasurer, who is hereby directed whenever he shall find, that such Bills which he may have in the Treasury together with the like Bills, which may be in the Hands of the said Commissioner or Commissioners, will amount to the said Sum of five Millions of Dollars, to order the said Commissioner and Commissioners not to receive any farther Sums in such Bills, which Order the said Commissioner and Commissioners are to observe; and the said Treasurer shall not after giving the said Order receive any further Sum in such Bills in Payment for waste and unappropriated Lands directed to be sold in, and by the said Act last recited.

Commissioner and Treasurer's Duty, on receipt of such Bills.

VII. *And be it enacted by the Authority aforesaid,* That whenever the said Commissioner or Commissioners shall make Sale of any Lands, Tenements or Hereditaments, by public Vendue or private Sale, the Person or Persons to whom such Sale shall be made, shall immediately pay unto the said Commissioner or Commissioners; the one

Purchasers in all Sales, to pay one Third of Purchase Money down.

And the Remainder
on a given Day.

Interest on paper Se-
curities, how allowed.

On Failure of Pay-
ment on the given Day,
the first Payment to be
forfeited, and the Lands
sold again.

third Part of the purchase Money, and shall with the said Commissioner or Commissioners reciprocally subscribe a Memorandum or Note in Writing of such Sale and Payment; and such Person or Persons shall on or before the first Day of June, in the Year One Thousand Seven Hundred and Eighty-Five, pay the remaining Sum due on such Sale mentioned in the said Memorandum or Note; upon which last Payment, such Person or Persons, or his, her or their legal Representatives, shall be entitled to Deeds and Conveyances for the Lands, Tenements and Hereditaments by him or them so purchased; and if the said last Payment be in Certificates or other paper Securities bearing an Interest, no Interest shall be allowed or reckoned thereon, other than such as had accrued at the Time of the Sale of the Lands, Tenements or Hereditaments aforesaid; and in Case such last Payment shall not be paid within the Time above mentioned, the said one third Part of the purchase Money paid to the said Commissioner or Commissioners shall be forfeited to the People of this State; and the said Lands, Tenements or Hereditaments, shall be again sold at public Vendue or private Sale, in the Manner by this Act directed.

Monies, &c. to be
transmitted to the Treas-
ury by Commissioners,
who are to account eve-
ry six Months.

VIII. *And be it enacted by the Authority aforesaid,* That it shall be the Duty of the said Commissioner or Commissioners, and they are hereby required from Time to Time to transmit to the Treasury all such Species of Money, Certificates and other paper Securities, as he or they may receive in Payment for the Lands, Tenements or Hereditaments directed to be sold by this Act; and shall once in every six Months, account with the Treasurer for all such Monies, Certificates and other paper Securities by him or them received in Pursuance thereof.

Preamble. Respec-
ting Lands mortgaged
for the new Emission.

And whereas certain Lands, Tenements and Hereditaments which have become forfeited and vested in the People of this State, are charged with the Redemption of certain Bills of Credit emitted pursuant to the Act herein after mentioned.

And

And whereas, the Lands, Tenements and Hereditaments so charged in the Southern District, are amply sufficient to redeem the Whole of the said Bills now in Circulation;

IX. Be it therefore enabled by the Authority aforesaid, That so much of the confiscated Estates in the Southern District of this State as are charged with the Redemption of the Bills of Credit emitted in this State, pursuant to an Act, entitled, "An Act approving of the Act of Congress of the 18th of March, 1780, relative to the Finances of the United States, and making Provision for redeeming the Proportion of this State of the Bills of Credit to be emitted in Pursuance of the said Act of Congress;" and of the Bills of Credit emitted pursuant to an Act, entitled, "An Act for emitting Monies upon the Credit of this State," passed 27th March, 1781, as will amount to the Value of the said Bills of Credit now in Circulation, with the Interest due or to become due thereon, shall be sold by the Commissioners of Forfeitures for the Southern District, and in the Manner directed by the second Section of this Act; and that Gold or Silver, and the said Bills of Credit only shall be received in Payment for the Lands, Tenements or Hereditaments so to be sold; and that the said Commissioners shall by Advertisement to be published for eight Weeks successively, in two or more of the News-papers to be printed in this State; describe the Lands, Tenements or Hereditaments so by them to be sold, and mention the Day or Days on which such Lands, Tenements or Hereditaments will be exposed to Sale; and the Treasurer of this State is hereby required to furnish the said Commissioners with an Account of the Amount of all the said Bills of Credit in Circulation, with the Interest due thereon, to enable the said Commissioners to estimate the Amount which will probably be necessary to redeem the said Bills: That if the Whole of the said Bills shall not be received in Payment for the Lands, Tenements and Hereditaments so to be sold for their Redemption, the Gold and Silver arising from such Sales, shall be and hereby is appropriated to the

How, for what, and how much of the Lands, mortgaged for redeeming the new Emission, are to be sold.

Commissioners to advertise for eight Weeks.

Treasurer to give the Commissioners the Amount of New-Emission Bills in Circulation.

New-Emission remaining, after certain Sales, to be redeemed with Gold and Silver.

the Redemption of such of the said Bills as may not have been paid in on such Sales.

When the Treasurer is to advertise the bringing in of New Emission for Redemption.

The Interest, on Bills remaining after the Day notified, to cease, except when paid for confiscated or unappropriated Lands.

And to the End, That all the said Bills of Credit may be taken out of Circulation, and the State relieved from the Interest accruing thereon, it shall be the Duty of the Treasurer, as soon as he shall be vested with such a Sum of Money in Gold or Silver arising from such Sales as aforesaid as he shall deem sufficient to redeem the said Bills, to give Notice thereof in two or more of the public News-papers printed in this State, requiring all Holders of such Bills to bring the same to the Treasury for Redemption, on or before a Day to be mentioned in such Notice, not less than fifty Days from the Date of such Notice; and if any such Bills shall remain in Circulation after the said Day, the Interest thereon shall cease from and after such Day, unless such Bills should thereafter be paid for the Purchase of unappropriated Lands, or confiscated and forfeited Lands, Tenements or Hereditaments, in which the Interest shall be allowed to the Day of Payment; any Thing in this Clause to the Contrary notwithstanding.

Residue of certain mortgaged Lands, to be sold as other Lands, &c.

X. And be it further enacted by the Authority aforesaid, That all the other Lands, Tenements and Hereditaments charged with the Redemption of the said Bills of Credit, other than those which are to be sold for the Redemption aforesaid, shall be and hereby are declared subject to Sale in like Manner as other Lands, Tenements and Hereditaments not so charged are subject to by this Act; any thing in the said two last recited Acts to the Contrary notwithstanding.

Preamble, respecting forfeited Lands not subject to Sale for Military Certificates.

And whereas the Lands, Tenements and Hereditaments which have become forfeited to the People of this State, in the Southern District, were not subject to Sale for Certificates granted in Pursuance of the Act, entitled, "An Act to liquidate and settle the Accounts of the Troops of this State in the Service of the United States, passed the 4th Day of October, 1780," so long as the same should remain within the Power of the Enemy;

And

And whereas by a subsequent Act of this State, the Commissioners of Forfeitures for the Southern District were inhibited from selling the said Lands, Tenements and Hereditaments until the further Order of the Legislature;

Preamble, as to Sales inhibited till further Order of the Legislature.

XI. Be it therefore enacted by the Authority aforesaid, That it shall and may be lawful, to and for the Commissioners of Forfeitures in the Southern District, and for the Commissioner or Commissioners of Forfeitures, respectively, in the other great Districts of this State to sell Lands, Tenements or Hereditaments, for Certificates granted in Pursuance of the said Act, passed the 4th Day of October, 1780, or in Pursuance of any other Acts, authorising the granting of Certificates for Depreciation of Pay, and in the Manner prescribed by the said Act, except as to the Time of Payment, other than Lands, Tenements and Hereditaments which are or were charged with the Redemption of the Bills of Credit, commonly called the New-Emission, any Law to the Contrary notwithstanding.

Inhibition of Sales of forfeited Lands for certain Certificates, taken off.

Lands mortgaged for the New-Emission excepted.

Provided always, That Applications for the Purchase of such Lands, Tenements and Hereditaments, by Holders of such Certificates as aforesaid, shall be made within the Space of sixty Days next after the passing of this Act; and if such Application shall not be made before the Expiration of the said Term, the Holders of such Certificates shall be precluded from any future Purchases agreeable to the said Act passed the 4th of October, 1780; but shall nevertheless at any Time thereafter be entitled to receive the full Value of the same in Specie, with the Interest which may be due thereon according to the Tenor of such Certificate: And it shall and may be lawful to and for the said Commissioner or Commissioners, to sell in the Manner prescribed in and by the said Act of the 4th of October, 1780, except as to the Time of Payment, and for the Certificates granted in Pursuance of that Act or other Acts authorising the Granting of Certificates for Depreciation of Pay, any Lands, Tenements or Hereditaments, which may be vested in the People of this State by the

Provido,
Holders of Military Certificates not applying for Purchase in 60 Days after the passing of this Act to be precluded from purchasing.

But shall receive their Value in Specie.

Commissioners Duty as to the Mode of Sale.

And

Undivided Lands how
to be sold by the Com-
missioners.

After Division of
Lands, &c. the Com-
missioners to sell what
belongs to the State.

Proviso. Applica-
tion for Purchases to be
within 60 Days after
such Division.

Amount of Apprais-
ment of located and ap-
praised Lands, &c. to
be delivered in 2 Days
after such Appraisement
to the Commissioners,
who may sell said Lands,
&c. within 10 Days,
for a higher Sum in
specie.

And repay the Owner
of the Certificates.

the Attainder or Conviction of any Person or Per-
sons, and which may be in Common and undi-
vided, other than the Lands, Tenements and He-
reditaments charged with the Redemption of the
Bills of Credit, commonly called the New-Emis-
sion as above mentioned, in Case such Commis-
sioner or Commissioners shall deem it expedient for
the Interest of the State, to sell such undivided
Lands, Tenements and Hereditaments; and in
Case the said Commissioner or Commissioners,
shall deem it necessary to cause a Division or Par-
tition of such undivided Lands, Tenements or
Hereditaments to be made, in Order to dispose of
the same; it shall be lawful for the said Commis-
sioner or Commissioners after a Division or Parti-
tion of such Lands, Tenements or Hereditaments,
shall be made as herein is after directed, to sell the
Estate which may be found to belong to the Peo-
ple of this State in the same, in the Manner, and
for the Certificates last aforesaid. Provided, that
Application for the Purchase of such Lands, Ten-
ements or Hereditaments, by the Holders of such
Certificates, is made within sixty Days next after
such Division shall have taken Place.

XII. *And provided further, and be it enacted by the
authority aforesaid,* That any Lands, Tenements or
Hereditaments that shall be located as aforesaid,
within either of the said Terms of sixty Days,
shall be appraised at such Price as the Appraisers
shall deem to be the Value thereof at the Time of
such Appraisement, and upon such Appraisement
being completed, the Person or Persons who lo-
cated or applied for the same, shall within two
Days deliver to the Commissioner or Commissioners
of the District such Certificates as above mention-
ed, in addition to the Deposit made at the Time
of Location, as will amount to the Sum of such
Appraisement; and if the Commissioner or Com-
missioners of the District can, within ten Days after
the Receipt of such Certificates, sell or dispose of
the same located and appraised Lands, Tenements
or Hereditaments for any larger Sum in Specie,
than the Amount of the Appraisement, he or they
may sell or dispose of the same, and shall in such
Case within the same Time, pay to the Owner of
the

the Certificates who had so located thereon, the Amount of the Appraisement.

XIII. *And be it further enacted by the Authority aforesaid,* That when any Lands, Tenements or Hereditaments are become forfeited to the People of this State, by the Attainder or Conviction of any Person or Persons, and are held by Leases in Fee, Leases for Lives, Leases for Years, or by Parole Leases granted, or made by any Person or Persons in whom such Estates were vested at the Time of their being forfeited as aforesaid, or made by any Person or Persons, under whom Persons attainted or convicted derived Estate in Fee, or for Life in the same; the said Commissioner or Commissioners shall give the Pre-emption of Purchase of such Lands, Tenements and Hereditaments, to such Tenant or Tenants on such Terms and Conditions, as the said Commissioner or Commissioners shall deem in Equity and good Conscience to be the Value thereof: And if such Tenant or Tenants shall refuse or neglect to purchase the same, the Commissioner or Commissioners shall proceed to sell the Reversion thereof, in the Manner directed in and by the second Section in this Act.

A Pre-emption of Purchase given to Tenants of forfeited Estates.

Provided always, That no Person shall derive any Advantage of Pre-emption as aforesaid, unless he shall produce to the said Commissioner or Commissioners, such Certificate as is directed by the nineteenth Section of the Act, entitled, "An Act for the Forfeiture and Sale of the Estates of Persons who have adhered to the Enemies of this State, and for declaring the Sovereignty of the People of this State, in respect to all Property within the same," passed the 22d of October, 1779.

Proviso. Restricting Pre-emption to certain Characters.

XIV. *And be it further enacted by the Authority aforesaid,* That the Commissioner or Commissioners of Forfeitures to be appointed by Virtue of this Act, shall not be authorised to sell Lands, Tenements, Hereditaments or real Estates, in larger Parcels than the Quantity of Five Hundred Acres in each Parcel, unless in such particular Cases,

Not more than 500 Acres in each Parcel to be sold by the Commissioners.

An Exception.
Sales at public Vendue in the County where the Lands, &c. lie.

wherein the Commissioner or Commissioners shall deem it beneficial to the State, to sell a larger Tract, and that the Sales at public Vendue shall be made in the County, where the Lands, Tenements, Hereditaments or real Estates to be sold respectively do lie.

Preamble. Respecting the Claims of Individuals in certain forfeited Lands.

And whereas several Lands, Tenements, Hereditaments and real Estates were at the Time of passing of the Act entitled, "An Act for the Forfeiture and Sale of the Estates of Persons who have adhered to the Enemies of this State, and for declaring the Sovereignty of the People of this State in respect to all Property within the same," passed the 22d Day of October in the Year 1779, and since the passing thereof vested in the People of this State by the Attainder and Conviction of divers Persons who claimed an Interest in the same as Tenants in common in *Fee Simple* with divers other Persons.

Preamble. Shewing the Propriety of a Mode of Partition of such Lands between the People of the State and others interested in the same.

And whereas it is proper that some Mode be provided for the more ready and speedy Partition of such Lands, Tenements and Hereditaments between the People of this State and the said other Persons; to the End, that the divided Share and Interest of the People of this State in the same, may on such Partition as may hereafter be made, be more readily disposed of.

Partition of Lands between the People of this State and others interested in them, how to be adjusted by the Commissioners.

XV. *Be it therefore enacted by the Authority aforesaid*, That the Commissioner or Commissioners to be appointed in Manner above mentioned, for the Sale in each District of this State, of all Lands, Tenements and Hereditaments lying in such Districts respectively shall, as soon as may be after their Appointment and Qualification as herein after mentioned, respectively, publish in at least two of the public News-Papers of this State an Advertisement notifying to all Persons interested in the Lands intended to be divided, and therein to be described, requiring them and each and every of them to be and appear on a certain Day and at a certain Place in the County wherein the Lands to be divided do lie, which Day shall not be sooner than six Weeks after the Date of the said Advertisement.

tisement, requiring such Persons to appear either by themselves or their Attornies, sufficiently authorized for the Purpose at such Time and Place aforesaid, to agree with the said Commissioner or Commissioners, or Persons to be appointed by Consent of the said Commissioner or Commissioners, and the said Person who shall so attend at the said Meeting by themselves or their Attornies, as Agents, to make Partition and Division of the said Lands, Tenements and Hereditaments; and in case the said Commissioner or Commissioners and the said other Parties who shall attend in Manner aforesaid, shall agree on the Appointment of such Agents, they the said Commissioner or Commissioners and the said other Parties so attending as aforesaid, shall reduce the said Agreement and Appointment to Writing, and severally and respectively subscribe the same with their Names in the Presence of two or more credible Witnesses, who shall also subscribe their Names as Witnesses thereto, which said Agreement and Appointment being duly acknowledged by the said Commissioner or Commissioners and the said other Parties, or duly proved by one or more of the said Witnesses before one of the Judges of the Inferior Court of Common Pleas of the County in which the Lands, intended to be divided, do lie, shall be recorded in the County Records of such County, which shall fully authorize the said Agents or any two of them, or the Survivor of them, to proceed to a fair and equal Partition and Division of such Lands, Tenements and Hereditaments, first appointing a Surveyor or Surveyors, if necessary, to enable them to perform the Service hereby required of them—That previous to the making of such Partition and Division as aforesaid, the said Agents or any two of them shall thoroughly explore the Premises to be divided, and make or cause to be made an accurate Survey of the same, and run out and divide the same into such different Allotments as will be best calculated most equally to divide the same according to Quantity and Quality among and between the People of this State and the said other Parties, so as to vest the People of this State and the said other Parties severally and respectively, with their several and

Agreement, &c. to
be recorded.

Agents how they are
to explore and survey
the Lands, &c. to be
divided previous to the
Partition, and divide ac-
cording to Quality and
Quantity.

Maps and Field Books
to be made, subscribed
and filed in two Offices.

respective divided Shares and Parts of and in the same; and that the said Allotments and divided Shares which shall thereupon fall to the said other Parties severally and respectively in Severalty in *Fee Simple*, shall vest in them severally and respectively, and their several and respective Heirs and Assigns for ever; and shall on the Completion of the said Partition and Division, make or cause to be made two accurate Maps and Field Books thereof and subscribe the same with their several Names, and cause one of the said Maps and Field Books to be filed in the Office of the Clerk of the County wherein the Lands do lie, and the other Map and Field Book in the Office of the Secretary of this State, which shall be and remain as full and conclusive Evidence in all Courts of Law and Equity within this State of such Partition and Division as aforesaid, as if the same had been made according to the due and ordinary Course of common Law, any Thing in any former Law, Usage or Custom to the Contrary thereof notwithstanding.

Thro' Delinquency
of Parties.

Certain Judges are to
appoint the Agents for
making the Partition,
&c.

Which Appointment
shall be recorded, and
the Record or Original
to be conclusive Evidence.

XVI. *And be it further enacted by the Authority aforesaid*, That in case the said other Parties or any of them, shall neglect to attend at such Time and Place of Meeting as aforesaid, or attending, shall not agree with the said Commissioner or Commissioners in the Appointment of such Agents as aforesaid, that then and in such Case, it shall and may be lawful for the said Commissioner or Commissioners, upon due Proof thereof to be made before one of the Judges of the Inferior Court of Common Pleas of the County wherein the Lands intended to be divided do lie, not interested in the said Lands; such Judge shall without Delay, proceed to appoint such Agents for the Purpose aforesaid as he shall think proper, by Writing under his Hand and Seal; which Appointment shall be recorded by the Clerk of the County in the County Records; and the Original thereof, shall be also filed in the said Clerk's Office; which said Record or Original shall be full and conclusive Evidence of such Appointment, in all Courts of Law and Equity within this State; and the said Agents, so to be appointed by the said Judge, shall and are hereby

hereby authorised to do, execute and perform all and singular the Services and Duties herein appointed and prescribed to be done by the Agents above mentioned, as if they had been nominated and appointed by the Consent of Parties, in Manner aforesaid.

XVII. *And be it further enacted by the Authority aforesaid,* That the said Agents, whether appointed by the Consent of the said Commissioner or Commissioners, and the other Parties, or by such Judge as aforesaid, shall, previous to any Division to be made by them, lay out and set apart a sufficient Quantity in the undisputed Parts of the said Lands, Tenements and Hereditaments so to be divided, to defray the Expence of such Partition and Division as aforesaid, which they shall sell and dispose of at public Vendue in the County wherein the same shall lie, upon giving six Weeks previous Notice thereof, in at least two of the public News-papers of this State, after the Partition and Division shall be completed; and shall make, and in due Form of Law execute good and sufficient Conveyances in the Law, to vest the same to and in the Purchaser and Purchasers respectively, and their Heirs and Assigns for ever, as of a good, sure, perfect, absolute, and indefeasible Estate of Inheritance in the Law in *Fee Simple*; and upon the Completion of the Partition and Division aforesaid, and filing such Maps and Field Books, as above directed, give public Notice, at least six Weeks successively, in two or more of the public News-Papers of this State, that at a certain Day thereafter, and at a certain Place in the County where the Lands lie to be therein mentioned, they intend that the Allotments shall be ballotted for in the Presence of such of the said Commissioner or Commissioners, and the said other Parties interested as shall attend the same; and upon completing such Ballotting as aforesaid, shall note and mark on the said Maps and Field Books, the Result of such Ballotting as well as the Lands laid out by them, to be sold for the defraying the Expences of the Partition and Division, as also to ascertain by Name or Names, what Allotments respectively fall to the Right of the People of this State, and the

Previous to any Division a Quantity of undisputed Lands to be set apart and sold for defraying Expences.

The Partition completed, and Maps and Field Books filed.

Six Weeks Notice of balloting for Allotments to be given.

Balloting completed, the Result to be noted, &c.

the said other Parties interested in the said Lands, Tenements and Hereditaments respectively.

How Partition shall be made more equable in Case of Disputes concerning the Extent of Boundaries.

XVIII. *Provided always, And be it further enacted*, That in order to make such Partition and Division more equable in case of any Disputes concerning the Extent of the Boundaries of the said Lands, Tenements and Hereditaments as aforesaid, the said Agents shall in every such Case make different Allotments of disputed and undisputed Lands which shall be noted and marked in such Maps and Field Books as aforesaid.

Exclusive of necessary Expences, Allowance for Services.

XIX. *And be it further enacted by the Authority aforesaid*, That the said Agents and their Surveyor, Chain-bearers and other necessary Attendants, shall, over and above their necessary Expences, be allowed to have and receive out of the Sale of the Lands, Tenements and Hereditaments set apart for defraying the Expences of the Partition and Division, at and after the Rates following, to wit, The Agents Twenty Shillings each per Day, the Surveyor Twenty Shillings per Day, each Chain-bearer and necessary Attendants Six Shillings per Day, for each Day they shall severally be actually employed in such Partition and Division as aforesaid, and the Completion thereof: That upon the Completion of the Sales of the Lands, Tenements, and Hereditaments so to be set apart for defraying the Expences of such Partition and Division as aforesaid, the said Agents shall make up and render in Writing an Account of the Expences of such Partition and Division as aforesaid, on Oath, before one of the Judges of the Inferior Court of the County wherein the said divided Lands, Tenements and Hereditaments do lie; which Account, together with the Balance, if any shall remain in their Hands, shall be deposited in the Office of the Clerk of the said County, and the Clerk shall from Time to Time, on Application, pay and distribute such Surplus among the respective Proprietors, and in the respective Proportions which shall be ascertained by a View of the respective Rights and Allotments, in such Partition and Division as aforesaid; the said Clerk retaining in his Hands at and after the Rate of five per Cent.

To Agents 20s. to Surveyor 20s. and to others, 6s. per Day.

Agents to render Account of Expences of the Partition, and deposit said Account with the Balance, if any, with the County Clerk.

Who is to pay the said Surplus among the Proprietors.

Retaining 5 per Cent.

Pro-

Provided always nevertheless; That it shall and may be lawful for the said Commissioner or Commissioners, to sell the Estate which is vested in the People of this State, in any such undivided Lands, Tenements or Hereditaments, without causing a Division thereof to be made as is above directed, in case he or they shall deem the Sale of such undivided Estate expedient.

Provido. Commis-
sioners may sell the
State's Property in un-
divided Lands, &c.

XX. And be it further enacted by the Authority aforesaid, That all and singular the Powers and Authorities vested in, and given to the several and respective Commissioners of Sequestration by any former Law or Laws of this State, shall be, and hereby are absolutely repealed, annulled and made void to all Intents, Contructions and Purposes whatsoever, any Thing in any of the said Laws to the Contrary thereof in any wise notwithstanding.

Powers of Commis-
sioners of Sequestration
repealed.

XXI. Provided always, and it is hereby enacted by the Authority aforesaid, That the said Commissioners of Sequestration, respectively, and their several and respective Executors and Administrators shall be accountable for the due Execution of their respective Offices, in the Manner directed and to be directed by any Law or Laws of this State, prior or subsequent to the passing of this Act, saving nevertheless to the Tenants to whom the said Commissioners of Sequestration have demised any forfeited Estates for Terms not exceeding one Year, the Residue of their said respective Terms.

Said Commissioners
to be accountable.

XXII. Provided further, and be it enacted by the Authority aforesaid, That the Monies which have arisen from the Sales of sequestered Property made by the Commissioners in the respective Counties within this State, by Virtue of any former Law or Laws of this State, shall be, and hereby are declared to belong to the People of this State.

Monies arising from
the Sale of sequestered
Property to belong to
the State.

XXIII. And be it further enacted by the Authority aforesaid, That all Forfeitures and Confiscations of the Lands, Tenements, Hereditaments and real Estate, which heretofore have been by Virtue of any former Law or Laws of this State, against any Person or Persons whomsoever on Conviction
for

All Forfeitures and
Confiscations confirmed.

Notwithstanding Errors in the Proceedings.

for adhering to the late Enemies of this State, or of this and the other United States of America, is, and are hereby to all Intents, Construtions and Purposes in the Law whatsoever, fully and absolutely ratified and confirmed, notwithstanding any Error or Errors in the Proceedings thereon, or in any wise relating thereto, and all Writs of Error and Errors on any Judgment heretofore rendered relating thereto are hereby for ever barred.

All Purchases directly or indirectly made by the Commissioners to be void.

XXIV. *And be it further enacted by the Authority aforesaid,* That all Purchases made by Vendue or otherwise by the said Commissioner or Commissioners of Forfeitures to be appointed by Virtue of this Act, of any Lands, Tenements or Hereditaments forfeited to the People of this State, or any or either of them, or by any other Person to or for the Use of them, or any, or either of them, shall be null and void.

Commissioners' Oath.

XXV. *And be it further enacted by the Authority aforesaid,* That each of the Commissioners of Forfeitures, to be appointed by Virtue of this Act, before he enters upon the Execution of his Office, shall appear before one of the Judges of the Inferior Court of any of the Counties within the District for which such Commissioner shall be appointed, and take and subscribe the following Oath, which such Judge is hereby authorized and required to administer, viz. I ——— appointed a Commissioner of Forfeitures for the ——— District, do solemnly and sincerely swear and declare in the Presence of Almighty God, that I will faithfully and honestly execute the said Office in such Manner, as I shall conceive most for the Benefit and Advantage of the People of this State, according to the true Intent and Meaning of an Act, entitled, "An Act for the speedy Sale of the confiscated and forfeited Estates within this State, and for other Purposes therein mentioned.

Abstracts of Sales, &c. to be made by the Commissioners;

XXVI. *And be it further enacted by the Authority aforesaid,* That the said Commissioner or Commissioners of Forfeitures to be appointed by Virtue of this Act, shall make an Abstract of all the Sales by them made within their respective Districts, to contain

contain the Names of the respective Purchasers, the Descriptions of the respective Estates by them sold, the Sums for which the same were respectively sold, the Dates of the respective Conveyances, and the Names of the several Persons to whom the several Estates immediately before the Forfeiture thereof were deemed to belong; and shall at the End of every three Months file Copies of such Abstracts, in the Office of the Clerk of the County wherein the Lands, Tenements, Hereditaments and real Estates by them sold respectively do lie; and the Clerks of the respective Counties within this State, shall record such Abstracts in a Book or Books by him to be provided for that Purpose, and for which recording the several Clerks shall be allowed at, and after the Rate of One Shilling and Six-pence per Folio of One Hundred and Twenty-eight Words, to be paid by the Treasurer of this State, out of any public Monies which shall from Time to Time be in his Hands unappropriated, on Certificates to be granted for the same by the said Commissioner or Commissioners.

And filed every three Months.

And recorded in the County Clerk's Office.

Their Allowance.

XXVII. *And be it further enacted by the Authority aforesaid,* That the Commissioner or Commissioners of Forfeitures to be appointed by Virtue of this Act, shall from Time to Time make report to the Person administering the Government of this State of the Sales by them respectively made, and of the Impediments and Difficulties which may arise in the Execution of their said Office, to be communicated to the Legislature.

Sales and Impediments to be reported to the Governor.

XXVIII. *And be it further enacted by the Authority aforesaid,* That it shall and may be lawful for the Commissioner or Commissioners of Forfeitures to be appointed by Virtue of this Act, in the respective Districts for which they shall be appointed to collect and receive all Rents due from Tenants on any of the forfeited Estates until the Time of Sale thereof, and to commence and prosecute in their own Names, any Action or Actions in Assumpsit for the Recovery of such Rents, with Costs, against any Person or Persons from whom such Rents are, were or shall become due or owing, or their

Rents of forfeited Estates to be collected by the Commissioners.

How they shall prosecute to recover them.

respective Executors or Administrators, upon a *quantum valerint*, for the Use and Occupation of the Lands, Tenements and Hereditaments possessed by the said Persons respectively; and upon the Trial of the Jury shall find a Verdict for the Plaintiffs, for such Sum as shall be proved to them would have been a reasonable Rent for such Lands, Tenements and Hereditaments, during the Time they were possessed by the Defendant or Defendants; so as the Damages to be assessed shall not exceed the whole Value of the Rent which the Defendant or Defendants shall prove to have been reserved and to have become due, while such Defendant or Defendants was or were in Possession of such Lands, Tenements or Hereditaments, and to be then unpaid.

Bills in Chancery to be filed for compelling a Discovery of Rent.

Abatement when and how to be made on Arrearages of Rent.

Persons possessing forfeited Lands, and to the Injury of the State,

XXIX. *And be it further enacted by the Authority aforesaid*, That it shall be lawful for the said Commissioner or Commissioners of Forfeitures, in their Discretion, to file Bills in Chancery in their own Name or Names, against any Person or Persons, to compel a Discovery of such Rent: that whenever it shall appear to the Commissioner or Commissioners of Forfeitures, that any Lands, Tenements or Hereditaments, the Arrearages of Rents on which shall be due to the People of this State, have been subject to the Incursions and Depredations of the Enemy in the late War, and the Possessors thereof have been prevented from enjoying the Profits of such Lands, Tenements or Hereditaments, and any Dispute shall arise between the said Commissioner or Commissioners, and the Possessors of such Lands, Tenements or Hereditaments respecting the Abatement which ought to be made in Consequence of the Premises aforesaid, it shall and may be lawful for the said Commissioner or Commissioners to refer such Dispute to be determined by Arbitrators. And the said Commissioner or Commissioners shall pay all such Rents by them received into the Treasury of this State.

And whereas in many Instances Persons have possessed themselves of Lands, Tenements and Hereditaments forfeited to the People of this State, to the great Injury of the public;

XXX. *Be*

XXX. *Be it further enacted by the Authority aforesaid*, That where any Person or Persons shall have become possess'd of Lands, Tenements and Hereditaments forfeited to the People of this State, by the Attainder and Conviction of any Person or Persons whomsoever, it shall be lawful for the said Commissioner or Commissioners of Forfeitures to be appointed by Virtue of this Act, for the District where such Lands, Tenements and Hereditaments do lie, in his or their own Name or Names, to proceed against the Person or Persons so in Possession as first above mentioned upon the Statutes of forcible Entry and Detainer; and if it shall appear in Evidence to the Inquest, that the said Lands, Tenements or Hereditaments on the ninth Day of July, in the Year One Thousand Seven Hundred and Seventy-Six; or at any Time since were possessed by the Person or Persons, by the Attainder or Conviction of whom the said Lands were deemed to become forfeited, or by the Tenant of such Person or Persons, who claims by Demise from the Person or Persons so attainted or convicted, made after his, her or their Attainder or Conviction; and if possessed by a Tenant or Tenants in Virtue of a Demise before such Attainder or Conviction, that the Term of such Tenant is expired; and if the Defendant or Defendants shall not thereupon prove to the Satisfaction of the Inquest, that the Person or Persons so attainted or convicted did since the said 9th Day of July, 1776, and before the Time to which the Attainder or Conviction of the said Person or Persons shall relate, convey the said Lands, Tenements and Hereditaments to the said Defendant or Defendants, or to the Person or Persons under whom he, she or they doth or do claim, that the Inquest shall thereupon find the forcible Entry and Detainer against such Defendant or Defendants, and the Seizen in Fee of such Commissioner or Commissioners of Forfeitures as aforesaid, as on the Day of such Attainder or Conviction as aforesaid: And if such Inquisition shall be traversed, and such Matters as last aforesaid shall appear in Evidence on the Part of the People of this State, the Jury shall find a Verdict against the Defendant. That where any Person or Persons shall have so en-

may be proceeded against on the Statutes of forcible Entry & Detainer.

The Inquest receiving certain Evidence.

Shall find the forcible Entry and Detainer against the Defendant.

Inquisition traversed on the same Evidence, the Jury to find a Verdict against the Defendant.

Commissioners obtaining Possession.

Costs, &c. how to be recovered.

Purchasers of forfeited Lands, so possessed, entitled to the same Benefit of the Statute for forcible Entry and Detainer as the Commissioners are.

No Writ of Certiorari to delay Restitution.

Suits against Purchasers of forfeited Estates, how to be defended by Attorney-General, &c.

tered upon Lands, Tenements or Hereditaments as aforesaid, and shall not deliver Possession of the Lands, Tenements or Hereditaments, so by him, her or them possessed, when thereunto required by the said Commissioner or Commissioners of Forfeitures or any or either of them, and Proceedings shall thereupon be had against such Person or Persons upon the Statutes of forcible Entry and Detainer; and if the said Commissioner or Commissioners of Forfeitures shall in consequence of such Proceedings obtain Possession of such Lands, Tenements and Hereditaments, the said Commissioner or Commissioners of Forfeitures, shall recover the Costs and Expence of such Proceedings before any Justice of the Peace within this State, the Jurisdiction of which Justice is hereby extended to such Sums notwithstanding, the Sum in demand may exceed the Value of the Sum to which the Jurisdiction of a Justice of the Peace may be limited by any Law of this State; and that in case the said Commissioner or Commissioners of Forfeitures, shall think proper to sell and dispose of any forfeited Lands, Tenements or Hereditaments, so possessed as last mentioned, Purchaser or Purchasers thereof shall, and are hereby entitled to have the same Benefit in all Things of the Statutes of forcible Entry and Detainer, as the said Commissioner or Commissioners of Forfeitures are herein above entitled to; and no Writ of Certiorari shall lie in any of the Cases aforesaid, until after a Trial of the Traverse, and the Writ of Certiorari shall not delay the Writ of Restitution.

XXXI. And be it further enacted by the Authority aforesaid, That in all Cases where Suits shall be commenced against Purchasers under the Commissioners of Forfeitures as aforesaid, by any Person or Persons claiming the Estate so sold by Title opposed to the Title derived under either of the said Commissioners of Forfeitures, all such Suits shall be defended at the Expence of this State, and by the Attorney General of this State in Behalf of the People of this State: That it shall be lawful for the said Attorney General, by Warrant from the Person administering the Government of the State for the Time being, to draw from the Treasury

Treasury of this State, such Sum and Sums of Money as the Person administering the Government shall deem necessary to be expended in and about the Defence of such Suits; that the Attorney General shall once in every six Months account with the Auditor of this State for the Expenditure of such Monies; and that the Attorney General shall, upon a Warrant from the Person administering the Government for the Time being, employ such Counsel to assist in and about the Defence of such Suits, as the said Person administering the Government shall from Time to Time deem necessary: And in Order, the better to answer the good Purposes of this Law;

XXXII. *Be it further enacted by the Authority aforesaid,* That the said Commissioner or Commissioners of Forfeitures, shall have and are hereby vested with full Power and Authority by Summons under his or their Hand or Hands, and Seal or Seals, to require any Person or Persons to appear before him or them at such Time and Place in the said respective Districts, which he or they shall appoint for the Purpose, to give Evidence as to such Matters and Things as the said Commissioner or Commissioners shall judge necessary, for the full and complete Execution of their Office; and in Case of neglect or refusal of such Person or Persons to attend and give Evidence as aforesaid, and produce such Papers, Deeds and Instruments in Writing as may be required by the said Commissioner or Commissioners and due Proof thereof by any credible Witness to be made before any Justice of the Peace in the County where the forfeited Lands, Tenements or Hereditaments in Question do lie, such Person or Persons so neglecting or refusing, shall forfeit Ten Pounds with Costs of Suit, to be recovered in a summary Way before such Justice in the Name or Names of such Commissioner or Commissioners; and when recovered and received by him or them, the same shall be paid into the Treasury of this State.

Provided always, That no Person or Persons shall be obliged to give any verbal or written Evidence to such Commissioner or Commissioners which may affect his or their own private Interest.

XXXIII. *And*

Commissioners empowered to summon Evidences.

Who, in case of Neglect or Refusal to do their Duty.

Shall forfeit 10l.

Proviso. In favour of Witnesses instituted,

Certain Copies or Extracts of Records, Maps, &c. to be delivered the Commissioners from certain Officers.

To be paid for by the Treasurer, on Certificates from the Commissioners.

**Preamble.
Respecting forfeited Lands, &c. rented by the Commissioners.**

Who are authorized to Demise the same for a Term not exceeding one Year.

A Farm in Westchester County granted to Thomas Paine, Esq; on Account of his eminent Services in favour of the United States.

XXXIII. And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the Commissioner or Commissioners of Forfeitures for each of the said Districts, to demand and receive Copies or Extracts of any Records, Maps or other Papers from the Keeper of any of the Public or County Records of this State, which he or they shall on Inspection respectively deem necessary for the due Execution of the Powers and Authorities hereby vested in him or them to be paid for by the Treasurer of this State, out of any public Monies which shall from Time to Time be in his Hands unappropriated on Certificates to be granted for the same by the said Commissioners respectively.

And whereas it may so happen that certain of the forfeited Lands, Tenements and Hereditaments may not be conveniently sold or disposed of until some Time be elapsed, and in such Cases it may be necessary for the Commissioner or Commissioners of Forfeitures appointed by Virtue of this Act, to demise the same for short Terms reserving reasonable Rents to arise therefrom for the Benefit of the State.

XXXIV. Be it therefore enacted by the Authority aforesaid, That the said Commissioner or Commissioners shall be and are hereby fully authorized and empowered to demise any forfeited Lands, Tenements or Hereditaments vested in the People of this State, as in the Discretion of the said Commissioner or Commissioners of Forfeitures shall appear reasonable, so as that such Demise shall not be for any longer Term or Terms respectively, than one Year.

XXXV. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Commissioners of Forfeitures for the Southern District, and they are hereby authorized and required in Consideration for the eminent Services rendered to the United States in the Progress of the late War, by Thomas Paine, Esquire, and as a Testimony of the Sense which the People of this State entertain of his distinguished Merit, to grant and release in due Form of Law unto the said Thomas Paine and to his Heirs and Assigns for ever, in

Fee

Fee Simple, all that certain Farm or Plantation situate in the Township of New-Lochell in the County of Westchester, formerly belonging to, and usually called the Farm of Captain Bailey, deceased, and afterwards called Devoe's lower Farm, containing by Estimation about three Hundred Acres, and which became forfeited to, and is now vested in the People of this State by the Conviction of Frederick Devoe.

XXXVI. *And be it further enacted by the Authority aforesaid*, That the Commissioners of Forfeitures for the Southern District, be and hereby are authorized, required and directed to grant, release and convey unto John Mc. Kesson, of the City of New-York, Clerk of the Supreme Court and Clerk of the Courts of Oyer and Terminer and General Gaol Delivery of this State, and to his Heirs and Assigns for ever, in *Fee Simple*, all that certain Messuage or Dwelling House, with the Hereditaments and Appurtenances, situated on the South Side of Queen-street, in the East Ward of the said City, now in the Occupation of Elizabeth Holt, the Widow of John Holt, deceased, and which became forfeited to and vested in the People of this State, by the Attainder of James Jauncey, late of the said City, Merchant, and to include the Lot or Toft of Ground whereon the said House stands, as the same was formerly purchased by the said James Jauncey—That the said Commissioners do, previous to such Conveyance, cause the said Dwelling House and Lot or Toft of Ground, to be appraised by two or more of three reputable Freeholders, to be by them nominated for that Purpose, the Amount of which Appraisement shall be the Consideration Money to be inserted in such Conveyance, and shall be charged by the Treasurer of the State to have been received by the said John Mc. Kesson, on Account for Monies due to him as Clerk of the Supreme Court, and of the said Courts of Oyer and Terminer and General Gaol Delivery, for Services in Prosecutions on Behalf of the People of this State, against Persons for having adhered to the Enemies of this State and other Prosecutions on Behalf of the said People.

A House and Lot of Ground in the City of New-York, to be conveyed on Appraisement to John Mc. Kesson, Esquire, on Account.

XXXVII. *And be it further enacted by the Authority aforesaid*, That the Commissioners of Forfeitures for the

A Lot of Ground in the City of New-York, and a Farm near the same to be released by the Commissioners on Appraisement thereof, to Robert Watts and John Watts, junior.

the Southern District be, and they are hereby authorized to release and quit Claim unto Robert Watts and to John Watts, junior, of the City of New-York, one certain Lot of Ground situated in Great Dock-street, in the South Ward of the said City, whereon John Watts the Elder, formerly resided; and also the Farm lately occupied by the said John Watts the Elder, in the Out Ward of the said City; which Lot of Ground and Farm became forfeited to the People of this State, by the Attainder of the said John Watts, the Elder, at and for such Prices as shall be determined to be the Value thereof respectively, by three reputable Freeholders, upon Oath; one of which Appraisers to be chosen by the Commissioners aforesaid, one other of the said Appraisers to be chosen by the said Robert Watts and John Watts, junior, and the other of the said Appraisers to be chosen by the two Appraisers to be chosen as aforesaid,

Proviso.

Application being made in 10 Days.

And the appraised Value delivered to the Commissioners.

And the Amount paid in Specie, New-Emission Bills, or in Military Certificates.

Provided, That Application shall be made to the said Commissioners, in Writing by the said Robert Watts and John Watts, junior, or either of them, within ten Days next after passing of this Act: *And provided further*, That the Appraisement, in Manner aforesaid shall be made, and a Certificate under the Hands and Seals of the said Appraisers, specifying the appraised Value of the said Lot and Farm, severally, shall be delivered to the Commissioners aforesaid, and the Amount, agreeable to such appraised Value, be paid by the said Robert Watts and John Watts, junior, or either of them, to the said Commissioners, on or before the first Day of July next, in Gold or Silver, or in Bills of Credit emitted in this State, pursuant to an Act, entitled "An Act approving of the Act of Congress of the 18th of March, 1780, relative to the Finances of the United States, and making Provision for redeeming the Proportion of this State of the Bills of Credit to be emitted in pursuance of the said Act of Congress," or in Bills of Credit emitted pursuant to an Act, entitled "An Act for emitting Monies upon the Credit of this State," passed the 27th of March, 1781, or in Certificates issued by the Auditors appointed in pursuance of the Act, entitled "An Act to liquidate and settle the Accounts of the Troops

of

of this State, in the Service of United States," passed the 4th of October, 1780.

XXXVIII. *And be it further enacted by the Authority aforesaid*, That the Commissioners of Forfeitures for the Southern District be, and they are hereby authorized to release and quit Claim unto Anna White, Widow and Relict of Thomas White, late of the City of New-York, Merchant, deceased, the several Lots of Ground situate in the North Ward of the said City, in the Garden or Place commonly called the Vineyard, which became vested in the People of this State by the Attainder of the said Thomas White, for such Price or Prices as shall be determined to be the Value thereof, upon an Appraisement to be made in the same Manner as is directed in and by the next preceding Clause of this Act, respecting Lands to be released to Robert Watts and John Watts, Junior: *Provided*, That Application shall be made for the Purchase thereof to the said Commissioners by the said Anna White, within the Time limited; and the Amount of the Appraisement paid in Manner and Form, and within the Time as is directed and required by the Clause aforesaid.

XXXIX. *And be it further enacted by the Authority aforesaid*, That every person who shall be chosen or appointed an Appraiser, by Virtue of this Act, shall before he enters upon that Duty, take an Oath before one of the Commissioners for the District, that he will truly, faithfully and impartially execute the Trust reposed in him as such, any Thing in this Act to the Contrary notwithstanding.

And whereas Johannis Mutts, late of the Precinct of Haverstraw in the County of Orange, in and by his last Will and Testament, dated the ninth Day of March, in the Year One Thousand Seven Hundred and Fifty-Seven, gave all his Lands for the Use of a Free-school in the Precinct of Haverstraw aforesaid; which Lands after the Decease of the said Johannis Mutts, were seized by John Tabor Kempe, Attorney-General for the late Colony now State of New-York, as an Escheat to the Crown of Great Britain, and have been lately

Several Lots to be released to Anna White, in the Manner and on the Terms contained in the last preceding Section.

Appraisers Oath.

Preamble.

Respecting certain Lands seized as escheated to the Crown of England, tho' bequeathed to the Use of a Free-School.

And sold by the Commissioners of Forfeitures as the Estate of the late Attorney General.

lately sold by the Commissioners of Forfeitures for the Middle District of this State, as the Estate of the said John Tabor Kempe, confiscated by his Attainder;

An Equivalent to be conveyed by the Commissioners to Andries Onderdonck in trust to the Use of a Free-School.

XL. Be it therefore enacted by the Authority aforesaid, That it shall and may be lawful for the Commissioners of Forfeitures for the Middle District to be appointed in Pursuance of this Act, to make, seal and deliver to Andries Onderdonck, one of the Executors in the said Will mentioned, a good and sufficient Deed and Conveyance in the Law, to vest in the said Andries Onderdonck, his Heirs and Assigns, so much of the Lands, Tenements and Hereditaments confiscated to the People of this State, by the Attainder of William Bayard, and now remaining unfold, as the Judges of the Court of Common Pleas of the County of Orange or any three of them, shall certify to be equivalent in Value to the said real Estate of the said Johannis Mutts, deceased, in trust, to the Uses mentioned in the said last Will and Testament of the said Johannis Mutts, deceased.

Certain Slaves, belonging to Persons whose Estates were forfeited, to be maintained, by the Commissioners.

XLI. And be it enacted by the Authority aforesaid, That the said Commissioner or Commissioners shall out of any Monies which may come in his or their Hands for Rents, make suitable Provision for the Support and Maintenance of any Slave or Slaves who may be found unable to support themselves, and who belonged to, and have not been disposed of by any Person or Persons whose respective Estates have become confiscated or forfeited to the People of this State.

Preamble.
Respecting Debts due from Persons whose Estates are forfeited.

And whereas no Provision hath yet been made for the Settlement and Discharge of Debts justly due from Persons convicted and attainted, and whose Estates are forfeited to, and directed to be sold for the Use of the People of this State in Manner aforesaid; for Remedy whereof;

How such Debts may be recovered.

XLII. Be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Court of Chancery and the Supreme Court of this State, and the Mayors Court and Court of Common

Common Pleas in each respective City and County wherein any of the said forfeited Lands, Tenements and Hereditaments shall be situated, or any one of the Judges of the said Supreme Court, or any two of the Judges of any other of the said Courts respectively, in the Vacation on the Petition of any Person who was an Inhabitant of any of the said Cities or Counties on the ninth Day of July, One Thousand Seven Hundred and Seventy-Six, and who hath not been attainted or convicted, or his or their legal Representative, to examine and hear, and according to Equity and good Conscience to determine any Claim or Demand which he, she or they may have or make against any Estate forfeited as aforesaid, for or by Reason of any Bond, Specialty, Debt, Contract or Dealing which subsisted between such Petitioner, and the Person by whose Conviction or Attainder the said Estate became forfeited, prior to the said ninth Day of July One Thousand Seven Hundred and Seventy-Six; and in Cases where Accounts may be intricate, or may require great Examinations, it shall and may be lawful to and for such Courts or Judge or Judges respectively, to refer the same to be examined and adjusted by one or more Auditors according to the Importance of the Case at their Discretion, previously administering to such Auditors respectively, an Oath, that they will faithfully and impartially perform the said Trust according to the best of their Skill and Judgment: And every Account, Claim or Demand so to be adjusted by any Auditor or Auditors shall be reported to, and unless Fraud or Error shall be discovered, confirmed by the Court or Judge or Judges from whom the Auditor or Auditors derived his or their Appointment, and the said Court or Judge or Judges as well in Cases determined in Favour of the Petitioner by their own immediate Authority, as in those which shall be adjusted and reported to them in Favour of a Petitioner by an Auditor or Auditors, shall in due Form certify in Writing the Sum which shall so appear or be found to be due to the Petitioner, and shall deliver one Copy of such Certificate to the Petitioner, and cause another Copy to be transmitted as soon as conveniently may be to the Treasurer of the State for the Time being; and the

said Treasurer is hereby directed and required from Time to Time, to open Accounts for the respective forfeited Estates, which shall be found subject and liable for any Debt or Demand duly adjusted and certified as aforesaid; and to credit such forfeited Estates respectively, with all Sums of Money which shall be paid to him by any Commissioner or Commissioners of the said respective Districts, or shall otherwise arise and come into his Hands for the Use of the People of this State, as or for, or on Account of the Sales, Produce or Proceeds of such forfeited Estates, whether real or personal; and the said Treasurer shall charge such forfeited Estates with the several Debts and Demands, which shall be adjusted and certified to be due and owing therefrom in Manner aforesaid; and it shall be, and is hereby declared to be the Duty of the Commissioner and Commissioners of Forfeitures of each of the said respective Districts, and he and they are respectively enjoined and required as soon as he or they shall have closed and completed the Sale of any forfeited Estate within his or their District, forthwith, by Writing under his or their Hands to certify and make known to the Treasurer, that the Sale of such forfeited Estates as far as the same hath come to his or their Knowledge is closed and compleated, and therewith to render to the said Treasurer upon his or their corporal Oath (to be administered by any Justice of the Peace) a just and true Account of such Sale, and thereupon the Treasurer by Advertisements to be published, not less than thrice in two or more of the public Newspapers printed in this State, shall notify and require all Persons relievable by this Act, with whose Accounts or Demands against such forfeited Estate audited and certified according to the true Intent and Meaning hereof he shall not then be furnished, to exhibit to him their Claims or Accounts legally audited and certified as aforesaid, against such forfeited Estate, the Sale whereof shall then be closed and compleated as aforesaid; and all Creditors and Claimants who shall not comply with the said Notice and Requisition within the Space of four Months next after the first Publication of such Advertisement, shall be and hereby is and are, to all Intents and Purposes whatsoever absolutely debarred

barred and for ever precluded from all Relief, Benefit and Advantage under, or by Force and Virtue of this Act, or any Provision, Article, Matter, or Thing therein contained.

XLIII. *And be it further enacted by the Authority aforesaid,* That when all the Debts and Claims against any forfeited Estate shall be audited and certified and exhibited to the said Treasurer, or be debarred and precluded from the Benefits and Advantages of this Act in the Manner herein prescribed, and such forfeited Estate shall be sold and disposed of, and the Accounts of the Sale and Produce thereof be rendered by the respective Commissioners to the Treasurer according to the true Intent and Meaning of this Act, it shall and may be lawful to and for the Treasurer for the Time being, and he is hereby authorised and required to satisfy and discharge the Amount of such Claims and Debts, taking a sufficient Voucher for the same, by giving one or more Certificate or Certificates to such Person or Persons, his, her or their legal Representatives for the Sum so to be found due to him or them respectively; which Certificates shall bear an Interest of six per Cent. per Annum, and shall be receivable in Payment for Estates to be sold by Virtue of this Act, other than such Estates as are by Virtue of this Act continued under Mortgage for the Redemption of the Bills of Credit, commonly called the New-Emission, and in Payment for the waste and unappropriated Lands within this State, and in Payment of State Taxes hereafter to be levied in this State at the same Rate with Gold and Silver, although the same may not be mentioned in a future Law for the levying of Taxes, except in any Rates or Taxes which by Law may be directed to be raised during the present Meeting of the Legislature, which said Certificates are hereby declared to be negotiable.

XLIV. *Provided always, and be it further enacted by the Authority aforesaid,* That if the Produce or Proceeds of any such forfeited Estates shall be insufficient to satisfy the Whole of the Claims and Demands so to be audited and certified to be due thereon

Debts and Claims against forfeited Estates being audited.

The Treasurer to discharge the Amount of such Claims and Debts by giving Certificates on Interest at six per Cent. per Annum.

Which shall be receivable for certain forfeited; and the unappropriated Lands.

And in Payment of certain Taxes.

The Proceeds of forfeited Estates insufficient to satisfy the Creditors; to be divided in proportion to their Claims.

thereon in Pursuance of this Act, then and in every such Case it shall and may be lawful to and for the said Treasurer, and he is hereby directed and required to distribute the Monies which shall have arisen from the said forfeited Estate, among all the Claimants or Creditors whose Debts and Demands shall be so ascertained and chargeable thereon by this Act, in Proportion to the Sums certified to be due to each of them respectively, by giving such Certificates as aforesaid.

Such Creditors or Claimants to pay Fees to Judges, Auditors, &c.

XLV. Provided also, and be it further enacted by the Authority aforesaid, That the several Creditors or Claimants who shall become entitled to Relief by Virtue of this Act, shall be chargeable with and pay reasonable Fees to the Judges, Auditors, Witnesses and others for their Services in auditing, adjusting and certifying their respective Accounts in the Manner in this Act directed :

The Oath to be taken by Creditors or Claimants; previous to being entitled to the Benefits of this Act.

Provided also, That to entitle any Claimant or Creditor to the Benefit of this Act, he shall make Oath before the said Treasurer, or one of the Judges of the Inferior Court of the County where such Claimant or Claimants respectively shall or may reside, who are hereby respectively authorized and directed to administer the same, that he or she hath not received or secured, nor expects to receive or secure any Part of the Debt or Demand which shall be awarded and certified to be due to him or her in Manner aforesaid, by any Ways or Means whatsoever, the Provision made for him or her by this Act, only excepted.

Debtors to Persons whose Estates are forfeited, to pay their Debts in six Months to the Treasurer.

In Specie and certain paper Securities mentioned in the fifth Section hereof.

XLVI. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to, and for all and every Person or Persons, being Citizens of this State, who is or are indebted by Mortgage, Bond, Specialty, Contract or on Account to any Person or Persons, whose Estates real and personal is or are by Attainder or Conviction forfeited to the People of this State, within six Months after the passing of this Act, to pay the said Debts, Dues and Demands to the Treasurer of this State, who is hereby required to receive all such Debts, Dues and Demands in Specie or other Monies, and paper Securities

curities made receivable in Payment upon the Sale of forfeited Estates by the fifth Section of this Act, and where such Debts were due from any Person or Persons who have not remained within the Enemy's Power during the late War to any Person or Persons who remained with, or went into the Enemy's Power or Lines, and whose Estates have been respectively forfeited to the People of this State by his or their Attainder or Conviction respectively; such Person or Persons being so indebted may in Discharge of such Debts, in Addition to the Securities above mentioned, pay unto the said Treasurer the like Certificates or Notes, *and be discharged from any Interest which may have become due on such Debts,* as is directed by the Act entitled, "An Act relative to Debts due to Persons within the Enemy's Lines," passed the 21th Day of July, 1782, and upon the Payments of such Debts, Dues and Demands as aforesaid, the said Treasurer shall give his Receipt, which Receipt shall be a sufficient Discharge for so much of the said Debts, Dues and Demands—That from and after the Expiration of the said six Months, it shall and may be lawful to and for the said Commissioner or Commissioners of Forfeitures within his or their respective Districts, to ask, demand, sue for and recover in his or their own Name or Names, all Debts, Dues and Demands which are owing, due and payable to any Person or Persons whose Estate real and personal is or are by Attainder or Conviction forfeited to the People of this State by Virtue of any Law or Laws heretofore passed, and all and singular the Interest Money due and to grow due thereon; and that in all Prosecutions to be brought by the said Commissioner or Commissioners in Virtue of this Act in any Court of Record, no Effoin, Protection or Wager of Law, nor more than one Imparlance shall be allowed; and if such Suit or Suits shall be commenced in any Court of Equity, then and in every such Case the Defendant or Defendants shall be compelled to make full Answer to the bill, unless the same be demised on Demurrer for Want of Equity and the Monies recovered by the said Commissioner or Commissioners in the said several and respective Suits, shall by him or them from Time to Time be paid into the Treasury of this State.

Certain other Certificates payable for said Debts by certain other Persons.

Treasurer to give Receipts for the same.

When and how the Commissioners shall sue for the Debts and Interest owing to Persons attainted or convicted, &c.

Whereas

Preamble:
 Respecting Lands released, by Oliver Delancy and Peter Dubois to Thomas Clark.

Whereas Oliver Delancy and Peter Dubois did release and convey certain Lands in New-Perth in Washington County (then called Charlotte County) in Fee to Thomas Clark, subject to the annual Rent of one Shilling per Acre, and the said Thomas Clark conveyed sundry Lots and Parcels of the said Lands to other Tenants in Fee, subject to the said annual Rent; and the Right and Estate of the said Oliver Delancy, by his Attainder having become vested in the People of this State, the said Thomas Clark hath by his Petition prayed the Legislature to be discharged from his Covenants for the Payment of the said annual Rent, and the other Tenants in Fee of the said Lands have by their Petition prayed a Remission of their Rents in Arrear or some Part thereof.

The said Thomas Clark to Account with the Commissioners for the Moiety of Returns received by him, &c.
 &c.

XLVII. *Be it therefore enacted by the Authority aforesaid,* That the said Commissioner of Forfeitures for the Eastern District, shall, and he is hereby authorized to require the said Thomas Clark to account for the Moiety of the Rents which he hath received for the Lands which he held from Oliver Delancy and Peter Dubois under a yearly Rent, and that, if the said Thomas Clark inclines to release his Right to the said Commissioner to the Use of the People of this State, so far as it respects the Estates conveyed by the said Oliver Delancy, that the said Commissioners do accept of such Release.

Collection of the Moiety due from the Occupants, stayed, &c.

XLVIII. *And be it further enacted by the Authority aforesaid,* That the Collection of the Moiety of the Rents still due from the Tenants occupying the said Lands be stayed until the Legislature shall direct otherwise.

The Commissioners inhibited from Selling or Demising certain Estates.

XLIX. *And be it further enacted by the Authority aforesaid,* That it shall not be lawful for the said Commissioner or Commissioners of Forfeitures to be appointed by Virtue of this Act, to sell or demise the following Estates, to wit: The Farm or Plantation situate in the Eike-Both, in the District of Kinderhook in the County of Albany, forfeited by the Conviction of Andries Kettle; the Estate late of William Zimmer, in the District of Schohary in the County aforesaid; the Lands in Possession of Jacobus Mabie

Mabie and Joseph Mabie, in the County of Montgomery: the Farm of Charles Heroy in the County of Dutchess; the Farm in Possession of Ruth Ferguson, in the District of Hofick in the County of Albany: the Parsonage and Glebe near Continantal Village formerly in Possession of Ebenezer Jones; the Estate late of Lucas Vedder in the said County of Montgomery; the Estate late of Henry Herring of Palatine District, in the said County; the Estate late of Jonathan Fowler, Esquire, in the County of Westchester; the Estate late of Bartholomew Crannel, Esquire, lying within the Precinct of Poughkeepsie; the Estate late of James Lamb, lying within the Precinct of Haverstraw; the Estate late of John Turner, Shopkeeper in the City of New York; the Estate late of Samuel Striker of Gravesend at Long Island; the Estate late of James Hubbard of Gravesend, in King's County on Nassau Island; the Estate of Benjamin Close late of Westchester County; the House and Lot of Ground in the City of New-York, late the Property of Waldron Blauw, now in the Possession of Edward Doughty; the Parsonage and Glebe Lands in Philipborough in the County of Westchester, or any Land heretofore belonging to Frederick Philips in the said County, on which any Church or Place of Public Worship is now erected, not reserving more than two Acres adjoining to such Church or Place of Worship: The Estate late of Gilbert Purdy, in Newburgh Precinct in the County of Ulster; the Parsonage and Glebe Lands in Johns-Town in the County of Montgomery, or any Land heretofore belonging to Sir John Johnson in the said County on which any Church or Place of Worship is now erected, not reserving more than two Acres adjoining to such Church or Place of Worship, or the present Highway or any Part thereof extending either Way from the present Bridge over Speyten Devil-Creek, commonly called Kings-Bridge, as far as the same passes through or is laid over any Lands belonging to the People of this State; which said Bridge and Highway extending from each End thereof, as far as the same is laid over any Land belonging to the People of this State, shall be, and hereby is declared to be a public Highway, and shall for ever hereafter be reserved and kept open as a public Highway.

L

L. And

1 and 1-4 per Cent allowed to the Commissioners for the Southern District for their Services, inclusive of Expence, &c.

And 24s. per Day, to the Commissioners of the other Districts exclusive of all Expences, personal excepted.

Monies to be advanced to the Commissioners.

Commissioners lay Deeds, to vest the Purchasers with all the Rights and Interests, &c. of the People of the State to the forfeited Estates.

L. And be it further enacted by the Authority aforesaid, That the Commissioners of Forfeitures to be appointed by Virtue of this Act, for the Sale of forfeited Estates in the Southern District of this State, shall receive a Commission of one and one fourth per Cent. on the Amount of Sales to be made by them as a Reward for their Services, and in Payment of all Expences in causing Surveys to be made, and of all other Charges and Disbursements whatsoever in the Execution of their Office; and that the Commissioner or Commissioners to be appointed in the other Districts of this State in Manner aforesaid, shall each be allowed the Sum of Twenty-four Shillings per Day, for every Day he or they shall be actually employed in the Service required of him or them by Virtue of this Act, for his or their Time and personal Expence, and exclusive of all other necessary Expences from Time to Time, to accrue in the Execution of the Powers and Authorities that shall be exercised by him or them in Virtue of this Law.

LI. And be it further enacted by the Authority aforesaid, That the Treasurer of this State is hereby required to advance to the Commissioners of Forfeitures to be appointed by Virtue of this Act of the several Districts respectively, that is to say, to the Commissioner of the Middle District a Sum not exceeding Twenty Pounds; to the Commissioners of the Western District, a Sum not exceeding One Hundred and Fifty Pounds; and to the Commissioner of the Eastern District, a Sum not exceeding Thirty Pounds, to enable them to proceed on the Business enjoined on them by this Act.

LII. And be it further enacted by the Authority aforesaid, That such Deeds and Conveyances shall be given by the said Commissioner or Commissioners of Forfeitures, for all forfeited Lands, Tenements and Hereditaments to be sold by Virtue of this Act, as will vest the Purchaser or Purchasers, his, her or their Heirs and Assigns with all and singular, the Estates, Rights and Interests held by the People of this State in, and to such Lands, Tenements and Hereditaments previous to such Sale.

LIII. And

LIII. *And be it further enacted by the Authority aforesaid,* That all and singular the Powers and Authorities hereby vested in the said Commissioners of Forfeitures for the Western District, shall, to all Intents, Constructions and Purposes in the Law whatsoever, be exercised and executed by the said Commissioners or a major Part of them.

Powers of the Commissioners for the Western District may be exercised by a Majority of them.

LIV. *And be it further enacted by the Authority aforesaid,* That all and singular the Powers and Authorities granted to any Commissioner or Commissioners of Forfeitures by Virtue of a Law of this State, entitled, "An Act for the Forfeiture and Sale of the Estates of Persons who have adhered to the Enemies of this State, and for declaring the Sovereignty of the People of this State, in respect to all Property within the same," passed the 22d Day of October, 1779, and all other Laws of this State touching the Powers given to the Commissioners of Forfeitures, passed prior to the first Day of January last, shall be, and the same and every of them are hereby repealed, annulled and made void, any Thing in the said Laws, or any or either of them contained to the Contrary thereof in any Wise notwithstanding.

All former Power granted to the Commissioners repealed.

LV. *Provided nevertheless, and it is hereby enacted and declared by the Authority aforesaid,* That in all and every Case and Cases wherein the Commissioners of Forfeitures appointed by Virtue of the said Laws, or any or either of them, have received any Location or Locations for the Sale of any forfeited Lands, Tenements or Hereditaments, made in Conformity to any Law or Laws of this State which was or were in Force at and immediately before the Time of the passing of this Act, the said Commissioners shall be and hereby are authorised to carry the Sales upon such Location and Locations, and each and every of them into full and complete Execution to all Intents, Constructions and Purposes whatsoever in the Law, as if this Law had not passed, any Thing herein contained to the Contrary in any Wise notwithstanding.

Except where Locations have been received and are not carried into Execution.

L. 2

Whereas

And



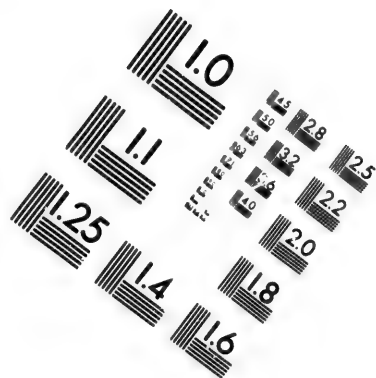
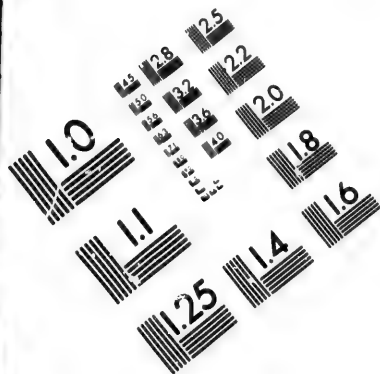
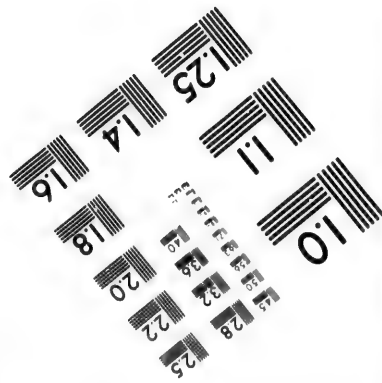
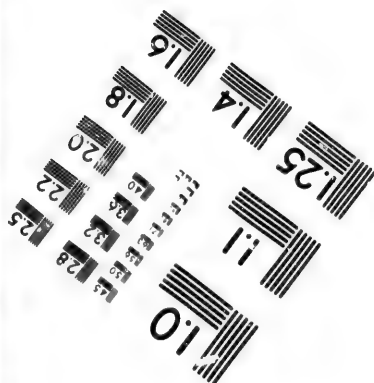
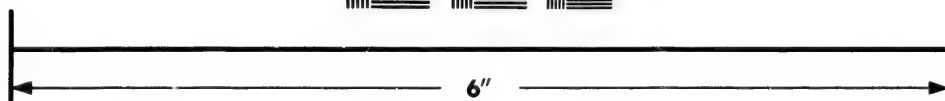
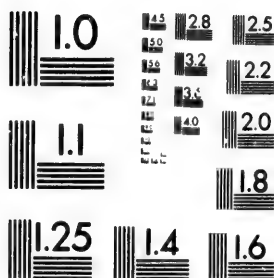


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Preamble. Preventing the Sale of a certain Farm forfeited by John Kane.

Whereas John H. Slegt, of Rumbout Precinct, in Dutchess County, in the Year 1777, conveyed a certain Messuage and Farm in the Precinct aforesaid, then in his Possession, to John Kane, since attainted of adhering to the Enemies of this State, and the said John Kane at the Time of the Conveyance thereof, promised to the said John H. Slegt, that he should retain the Possession of the said Farm during the War and at a reasonable Rent;

Preamble.

And whereas by an Act of the Legislature for the further Amendment of the Laws directing the Sales of forfeited Estates, passed the 31st Day of March, 1781, it was in and by the 14th Clause of the said Act enacted that the Commissioners of Forfeitures for the Middle District, or the Commissioners appointed to procure a Sum in Specie, should not sell or in any other Wise dispose of the said Messuage and Farm until the Legislature should make further Provision in the Premises :

And whereas John Morin Scott, did formerly make a Location on the said Farm and deposit Certificates given for the Depreciation of the Pay of some of the late Troops of this State, with some of the Commissioners for the Sale of forfeited Estates in the Middle District, but by Reason of the said Clause of the said Act, the Sale and Conveyance of the said Farm to the said John Morin Scott has not been completed.

Commissioners required to convey said Farm to John Morin Scott.

LVI. *Be it therefore enacted by the Authority aforesaid,* That the late Commissioners of Forfeitures for the Middle District, each and every of them are hereby strictly enjoined and required without Delay to execute all and singular the Powers and Authorities vested in them by Virtue of an Act entitled, "An Act to liquidate and settle the Accounts of the Troops of this State in the Service of the United States, as far as respects and with Relation to the said Messuage and Farm according to the true Intent and Meaning of the last mentioned Act.

Preamble.

Whereas it has been represented to this Legislature, that Isaac Low, late of the City of New-York did, by his Attorney, Beriah Palmer, of Balls Town,

in

in the County of Albany, agree to convey to Epenetus White, of Balls Town aforesaid, a certain Tract of Land lying in the Patent of Kayaderosseras as appears by the said Agreement ;

LVII. Be it therefore enacted by the Authority aforesaid, That the Commissioners to be appointed for the Western District by Virtue of this Act, are hereby authorized and required to convey to the said Epenetus White the said Tract of Land, on his paying to them the Sum agreed upon between him and the said Beriah Palmer, with the Interest thereon 'till paid (except for such Time as the Interest is remitted in and by the Act entitled, " An Act relative to Debts due to Persons within the Enemy's Lines," passed the 12th Day of July, 1782) and also on his paying any lawful Costs that may be due to the Commissioners of Forfeitures for the said Western District, for any Thing they have done or may do respecting the said Lot or Parcel of Land.

Commissioners to convey certain Lands to Epenetus White, on paying the Sum agreed between him and Beriah Palmer, &c. &c.

And whereas by an Act, entitled, " An Act to appropriate certain Buildings to public Uses," passed at this present Meeting of the Legislature, a certain House and Lot of Ground situate in the West-Ward of the City of New-York and vested in the People of this State by Attainder of William Axtel, Esquire, late a Member of the Council of the King of Great-Britain for the late Colony of New-York, was set apart for the Use of the Secretary of this State, and as a Deposit for the public Records thereof : And by Virtue of the said Act, the dwelling House and Lot or Toft of Ground with the Appurtenances in the East-Ward of the said City, late in the Occupation of Henry White, Esquire, late a Member of the said Council, and vested in the People of this State by the Attainder of the said Henry White, has been set apart for the Residence of his Excellency the Governor.

Preamble.
Respecting certain Buildings appropriated to public Uses.

LVIII. Be it therefore further enacted by the Authority aforesaid, That the Commissioners of Forfeitures for the Southern District of this State, are hereby inhibited from receiving any Location on either of the said two dwelling Houses or Lots of Ground, and from making any Sale thereof, or of either of them ;

Commissioners inhibited from receiving Locations thereon, and from selling the same.

them; but the same are hereby declared to be reserved for the Uses aforesaid, until the further Order of the Legislature.

C H A P. XXXIII.

An Act for the Indemnification of the Commissioners of Sequestration and the Commissioners of Forfeitures, and the Lessees under them, and for other Purposes therein mentioned. Passed, March 14th, 1785.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the Authority of the same, That the late Commissioners of Sequestration within the several Counties of this State, shall be and they are hereby declared to be indemnified for all and every Lease and Leases made or given by them, of Lands and Tenements the property of Persons who at any Time during the late War had gone over to, remained with, or joined the Enemy. And that no Suit or Suits already brought shall be maintained or hereafter commenced against the said Commissioners of Sequestration, or against any Person or Persons holding under them, by any Person or Persons claiming Property in or to such Lands and Tenements: And such Indemnification shall also be and hereby is extended to the Commissioners of Forfeitures for the several Districts of this State, and the Lessees under them. Provided always, That nothing herein contained shall be construed to bar or preclude any Suit or Suits which may be brought for the recovery of Damages sustained by wanton and unnecessary Waste and Destruction. And whereas certain Lands, Tenements and Hereditaments forfeited to the People of this State, are so circumstanced that they cannot be speedily sold, and no Authority is vested in the Commissioners of Forfeitures to demise the same after the first Day of May next.*

Commissioners of Sequestration indemnified for Leases made by them of Lands belonging to Persons with the Enemy.

And no Suits to be maintained against them for the same.

Said indemnification extended to Commissioners of Forfeitures.

Provifo.

Preamble to the following Clause.

II. *Be*

II. *Be it therefore enacted by the Authority aforesaid,* That the Commissioners of Forfeitures for the several Districts of this State shall be and hereby are authorized to demise such Lands, Tenements and Hereditaments for any Term not exceeding one Year after the first Day of May next.

Commissioners of Forfeitures may lease certain Lands for one Year.

C H A P. LXVI.

An ACT to facilitate the Settlement of the waste and unappropriated Lands within this State, and for repealing the Act therein mentioned. Passed the 11th of April, 1775.

IX. *AND be it further enacted by the Authority aforesaid,* That any Lands legally purchased from the native Indians, prior to the fourteenth Day of October, One Thousand Seven Hundred and Seventy-five, shall not be liable to be granted by Virtue of this Act; but all Persons claiming by Virtue of such Indian Purchases, who have not already exhibited their Claims by Virtue of the Act herein before repealed, may exhibit their respective Claims to the said Commissioners before the tenth Day of May next; and all such Claims not exhibited before the said tenth Day of May, are hereby declared to be void. And the Lands so claimed, liable to be located and to be granted as herein before directed. And the said Commissioners are hereby authorized to hear and determine such Claims, upon the Application of the respective Claimants, on Principles of Equity and good Conscience. And if such Decision shall be against such Claimant, the Lands so claimed, may be located and granted as by this Act is before directed. And to the End, that Delays may not be occasioned by pretended Claims;

Indian Purchases prior to the 14th Oct. 1775, not to be allowed by virtue of this Act, &c.

X. *Be it further enacted by the Authority aforesaid,* That any Person having located Lands so claimed, shall have the Right, upon Application to the said Commissioners, to have the said Claims determined

Persons claiming such Lands to have their Claims determined in a given Day. upon

upon a Day to be appointed by the said Commissioners, not less than two Months nor more than three Months from the Day on which such Application shall have been made.

Proviso.

Provided always, That the Privilege of exhibiting Claims to any of the aforesaid Lands by Virtue of Indian Purchases, under the former Government of this State, while a Colony, shall be only extended to such Person or Persons as are Citizens of this State, or some other of the United States.

Recital.

And whereas it is suggested that there are Persons who have equitable Claims to Grants for Lands acquired under the Laws of the late Colony of New-York, which they were prevented from obtaining merely on Account of the Circumstances which preceded the late Change of Government, and it is just and right that such equitable Claims should be allowed and confirmed by this Legislature :

Commissioners to hear and determine all claims for grants under former Government.

XIX. Be it therefore enacted by the Authority aforesaid, That the Commissioners aforesaid shall have Power to hear and determine the Claims of all Persons for Grants of Lands to which they were entitled under the Government of the late Colony of New-York, and to grant Letters Patent for such Lands to all such Persons as shall be found to have a fair and equitable Claim or Title thereto.

Proviso.

Provided, That nothing in this Act shall be construed to enable any Person to hold Lands and obtain such Grants, who are not already qualified by the Laws of this State to hold the same.—And provided such Claims are exhibited to the said Commissioners, or any one or more of them, before the tenth Day of May next.—Provided that no such Claim shall be allowed or affect any Lands lying without the Line of Cession established in the Year One Thousand Seven Hundred and Sixty-eight, by the Treaty at Fort Stanwix.—Provided also, that no such Claim shall be allowed to any Lands in Virtue of any Mandamus issued by the King of Great-Britain, while this State was a Colony, except such Mandamus shall have been granted as a Reward for Services actually done and performed within the then Colony (now

Further Provisoes,

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(now State) of New-York, and was vested in a Citizen previous to the ninth Day of July, One Thousand Seven hundred and Seventy-six, who had located and obtained from the Government of the then Colony of New-York an Order to Survey the same, and who hath taken an active Part with the United States during the late War.

XX. *And be it further enacted by the Authority* *Land granted, to*
aforsaid, That the Claims so allowed, and Grants be paid for as other
 made in Consequence thereof, shall be paid for at Lands.
 the same Rate or Rates, and held on the like Con-
 ditions and Limitations as the other Lands directed
 to be granted by this Act.

XXI. *And be it further enacted by the Authority* *Before any Person*
aforsaid, That no Person or Persons shall or may be permitted to settle
 settle on the said Lands, nor shall any Person or on such Lands, to take
 Persons who shall actually settle on the said Lands, an Oath herein pre-
 have a legal Title to the same, or any Part thereof, scribed.
 unless he or they shall, before one of the Judges of
 the Supreme Court or a Magistrate of any of the
 Counties in this State, previously take the Oath
 of Allegiance and Abjuration prescribed by a Law
 of this State, entitled, "An Act for the better
 securing the Independence of this State, and to that
 End, requiring all public Officers and Electors
 within this State, to take the Test Oath therein
 contained." Passed the 26th of March, 1781; a
 Certificate whereof shall be filed in the Clerk's
 Office of the County where the Lands lie.

These Clauses shew the extreme Severity of the Le-
gislation against the Loyalists, who were not even at-
tainted, for such there were, as well as others, largely
interested in the Indian Purchases made before the War,
and directly in the Face of the Treaty; these equitable
Titles are annul'd and the Lands made grantable only
to such as are Citizens of the State.

The following Act it is presumed will not be unac-
ceptable, because of the Oath of Allegiance and Abjura-
tion, directed to be taken by the last mentioned Act,
is therein contained.

C H A P. XXXVI.

An Act for the better securing the Independence of this State, and to that End, requiring aⁿ public Officers and Electors, within this State, to take the Test Oath therein contained. Passed March 26th, 1781.

All public Officers hereafter appointed, instead of taking the Oath of Allegiance, to take the following Oath,

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the Authority of the same, That each and every Person, who shall at any Time hereafter, be elected or appointed to any public Place or Office, shall, instead of taking the Oath of Allegiance, prescribed by the Act entitled, "An Act requiring all Persons holding Offices or Places under the Government of this State, to take the Oaths therein prescribed and directed," passed the 5th Day of March, 1778, take and subscribe the following Oath or Affirmation, to wit;*

Form of the Oath.

"I ——— do solemnly, without any mental Reservation or Equivocation whatsoever, swear and declare, and call God to Witness, (or if of the People called Quakers, affirm,) that I renounce and abjure all Allegiance to the King of Great-Britain; and that I will bear true Faith and Allegiance to the State of New-York, as a free and independent State, and that I will in all Things, to the best of my Knowledge and Ability, do my Duty as a good and faithful Subject of the said State ought to do. So help me God."

To be taken and subscribed in the same Manner as the former Oaths.

That the said Oath or Affirmation required by this Act, shall be taken and subscribed, before the several Persons, and in like Manner as the Oath of Allegiance, prescribed in and by the said Act, is required to be taken and subscribed.

At all Elections, the Person presiding, to tender said Oath to suspected Persons.

II. *And be it further enacted by the Authority aforesaid, That at every Election hereafter to be held within this State, for Governor, Lieutenant-Governor, Senators, and Members of Assembly, or for Aldermen, Assistants, Supervisors, Assessors, Collectors, or other City or Town-Officers, the Person*

I. *BE*
it is here

Person or Persons authorised by Law or Custom to preside at such Election, shall tender and administer the Oath or Affirmation aforesaid, to each Elector presenting himself to vote at such Election, if the Person or Persons presiding at such Election, shall have Reason to suspect that such Elector hath not taken an active and decisive Part in Favour of the United States, in the present War, against the King of Great Britain and his adherents: or if such Elector shall be challenged by any other Elector, who shall have taken the said Oath or Affirmation, as not having taken an active and decisive Part in the present War as aforesaid; and if the Elector so suspected or challenged, shall refuse to take the said Oath or Affirmation, when so tendered to him as aforesaid, he shall not be permitted to vote at such Election—That if at any such Election, the Person or Persons presiding, shall receive the Vote or Ballot of any Elector so challenged as aforesaid, and who upon being tendered the said Oath or Affirmation, shall refuse to take the same, the said Person or Persons so presiding, shall for each Offence, forfeit the Sum of Five Pounds, to any Person who will sue for the same, and to be recovered with Costs—That it shall be lawful for the Person or Persons presiding at any such Election, and he or they are hereby required to administer the said Oath or Affirmation, to any Elector who shall voluntarily offer to take the same.

Or to Persons challenged as disaffected, by any one who has taken the Oath.

Such Persons refusing the Oath to be deprived of their Vote.

Persons presiding, and receiving a Vote contrary to this Law, subject to a Penalty.

Authorised to administer the Oath.

C H A P. II.

An Act to abolish Entails, to confirm Conveyances by Tenants in Tail, to distribute Estates Real, of Inestates, to remedy defective Conveyances to joint Tenants, and directing the Mode of such Conveyances in future. Passed 12th July, 1782.

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the Authority of the same, That*

Persons heretofore seized in Fee - Tail, deemed, in Future, to be seized in Fee-Simple.

In all Cases wherein any Person or Persons would, if this Law had not been made, have been seized in Fee-Tail, of any Lands, Tenements or Hereditaments, such Person or Persons shall, in future, be deemed to be seized of the same in Fee-Simple. *And further*, That where any Lands, Tenements or Hereditaments, shall heretofore have been devised, granted, or otherwise conveyed by a Tenant in Tail, and the Person to whom such Devise, Grant or other Conveyance, shall have been made, his or her Heirs or Assigns, shall from the Time such Devise took effect, or from the Time such Grant or other Conveyance was made, to the Day of the passing of this Act, have been in the uninterrupted Possession of such Lands, Tenements or Hereditaments, and claiming and holding the same under Devise, Grant, or other Conveyance, then such Grant, Devise, or other Conveyance, shall be deemed as good, legal and effectual, to all Intents, as if such Tenant in Tail, had, at the Time of the making of such Devise, Grant, or other Conveyance, been seized of such Lands, Tenements or Hereditaments, in Fee-Simple; any Law to the Contrary hereof notwithstanding.

How Inheritances
are to descend.

II. *Be it enacted by the Authority aforesaid*, That where any person shall die, seized of any Lands, Tenements or Hereditaments, without having devised the same in due form of Law, and leaving more than one Person lawful Issue, or without lawful Issue, the Inheritance, in stead of descending to the Heir at Law, shall hereafter, in the four several following Cases, descend as in each Case is particularly specified, that is to say.

1st. Where there is
lawful Issue of equal
Degree of Consan-
guinity.

First. In Case the Person so seized, shall leave several Persons lawful Issue, in the direct Line of lineal Descent, and all of equal Degree of Consanguinity, to the Person so seized; the Inheritance, shall then descend to the said several Persons, as Tenants in Common, in equal Parts, however remote from the Person so seized, the common Degree of Consanguinity may be.

2^d. Where lawful
Issue of different De-

Secondly. In Case the said Person so seized, shall die, leaving lawful Issue of different Degrees of Consanguinity

Consanguinity to him or her the said Person so seized; the Inheritance shall descend to the lawful immediate Children of the said Person so seized, as Tenants in Common, in equal Parts; and in Case any of the said immediate Children shall die, in the Life-time of the Person so seized, and leave lawful Issue, such Issue shall inherit; if one Person, solely; and if several Persons, as Tenants in Common in equal Parts, the same Estate which would have descended to his, her or their Parent, if such Parent had survived, so that the Estate could, agreeable to the Rules of Descent hereby established, have descended to him or her; and the same Law of Inheritance and Descent, shall be observed in Case of the Death of the Grand Children, and other Descendants in the remotest Degree.

degrees of Consanguinity.

Thirdly. In Case the said Person so seized, shall die without lawful Issue, leaving Brothers, or leaving a Brother or Brothers, and a Sister or Sisters, of the whole Blood, the Inheritance shall descend to such Brothers, or to such Brother or Brothers, and Sister or Sisters, as the Case may be, as Tenants in Common, in equal Parts.

3d. Where without lawful Issue, Brothers, &c. shall inherit.

And *Fourthly.* In Case any such Brother or Sister shall die, leaving a lawful Child or Children, and in the Life-time of the Person so seized; such Child or Children, shall inherit; if a Child, solely; and if Children, as Tenants in Common, in equal Parts, the same Estate, which would have descended to his, her or their Father or Mother, if such Father or Mother had survived the said Person so seized. And in all Cases of Descent, not particularly provided for by this Act, the common Law shall govern;

4th. Where Nephews, &c. shall inherit.

Provided, That nothing herein contained, shall be construed to bar or injure the Right or Estate of a Husband, as Tenant by the Courtesy of England; or the Right of Dower, which a Widow is entitled to.

Proviso. In Favor of the Right of a Husband, or of a Wife.

III. And be it further enacted by the Authority aforesaid, That all Posthumous Children shall, in all Cases whatsoever, inherit in like Manner, as if they had been born in the Life time of their respective Fathers.

Posthumous Children how to inherit.

IV. And

How Estates for Years, for more than 21 Years, are to descend.

IV. And be it further enacted by the Authority aforesaid, That all Estates for Years, for more than twenty-one Years, of or in Lands, Tenements, Hereditaments, or real Estate whatsoever, whether in Possession, Reversion, or Remainder, by direct and immediate Devise or Conveyance, or by Settlement to Use or Uses, made after the first Day of the present Meeting of the Legislature, shall be, and hereby are declared to be ipso facto null and void, from the Beginning; and the Estates and Interests severally and respectively attempted to be disposed of, and transferred, shall descend according to this Law, and the common Law aforesaid; any Law, Usage or Custom, to the Contrary notwithstanding.

Mode of Conveyance hereafter.

V. And be it further enacted by the Authority aforesaid, That no Estate in joint Tenancy, in Lands, Messuages, Tenements or Hereditaments, shall be held or claimed, by or under any Grant, Devise, or Conveyance whatsoever, hereafter to be made, unless the Premises therein mentioned, shall expressly be thereby declared to pass, not in Tenancy in Common, but in joint Tenancy; and every such Estate, unless otherwise expressly declared as aforesaid, shall be deemed to be in Tenancy in Common; any Law, Usage or Custom, to the Contrary notwithstanding.

The Manor of Philipsburgh, by far one of the most valuable in the Province of New-York, was held by Frederick Philips, for Life, with Remainder to his Son Frederick, in Tail: by the Act of the 22d of October 1779, [Ante Page 10] Provision is made to attain both Father and Son, though the latter was a Minor, and the Father in full Life.

L A W S

RESPECTING

DEBTS DUE TO LOYALISTS.

C H A P. I.

*An Act, relative to Debts due to Persons within the
Enemy's Lines. Passed 12th July, 1782.*

WHEREAS many of the Inhabitants of this State, who have not remained within the Enemy's Power, and who were indebted to others who did so remain, are now threatened with Suits, and have it not in their Power to recover from those who are indebted to them, and remained within the Power of the Enemy;

Preamble.

I. Be it therefore enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the Authority of the same, That all Suits and Prosecutions for any Debt, arising on simple Contract, Bills single or penal, or any other Obligation, Mortgage, Security or Demand whatsoever, due by or from any Person not within the Enemy's Power or Lines, that has remained with, gone in to, or has in Consequence of any Law of this State, been sent within the Enemy's Power or Lines, already commenced, or which hereafter may be commenced, shall be stayed until the Legislature shall make further Provision in the Premises, any Law to the contrary notwithstanding.

Certain Suits for Debt, stayed till further Provision by the Legislature.

And whereas it is also just and reasonable, that Provision should be made for the Relief of such Citizens of this State, who, having received in Pay-

Preamble. Reciting the Justice of giving Relief to certain Debtors.

Payment of Debts due to them, paper Currency, which at the Time of such Payment, was a legal Tender, and which they might of Right, have paid in Discharge of any Debts due by them, but which it was not in their Power to pay to such of their Creditors as have remained with, gone in to, or were so sent within the Enemy's Lines; and which Money has, since the Receipt thereof, depreciated in their Hands;

Preamble.

And whereas it is impossible to apply one general Rule, to all the Variety of Cases, which do or may arise;

After Suspension of Suits shall betaken off,

The Court to appoint Referees to try certain Matters in Controversy.

Referees reporting to the Court, Judgment to be given, and Execution to Issue in Favor of the Plaintiff.

II. Be it therefore further enacted by the Authority aforesaid, That in every Suit or Prosecution which shall be commenced after the Legislature shall by Law have declared, that the Necessity of staying such Suits or Prosecutions as aforesaid does no longer exist, by any Person who may have remained with the Enemy, gone in to them, sent or to be sent as aforesaid unto them, against any Person who has remained without the Power of the Enemy, it shall and may be lawful for the Court in which such Suit shall be commenced or prosecuted; and the Court is hereby required, on Motion of the Defendant or his Attorney, to appoint three or five Referees, at the Option of the Court, to try the Matter in Controversy; and the Defendant shall, and hereby is allowed to plead before such Referees, any special Matter; and if it shall appear to the said Referees, or the major Part of them, that the special Matter alledged and proved by the Defendant, is of such a Nature, that in Equity and good Conscience, Abatement ought to be made from any Sum or Sums due by such Defendant, the Referees shall, by Majority of Voices, determine the Quantum of such Abatement: and having made their Report and Award, in writing, shall return the same into Court; And the Court shall thereupon give Judgment, and order Execution to issue in Favour of the Plaintiff, for the Sum so awarded to be due to the Plaintiff; *Provided,* That such Execution shall not be levied until the Expiration of three Years, next after the Enemy shall be expelled from, or shall have abandoned the City of *New-York*.

III. And

III. *And be it further enacted by the Authority aforesaid,* That it shall and may be lawful for every Defendant, to pay in Discharge of any Debt so found due as aforesaid, to such Plaintiff as aforesaid, Certificates or Notes signed by any Commissioner of Loans of the United States, according to the Value thereof, as settled by the Continental Scale of Depreciation, or Certificates for Money due on Loan by this State, according to the Value thereof, ascertained by Law.

Certain Certificates payable in Discharge of certain Debts.

IV. *And be it further enacted by the Authority aforesaid,* That it shall and may be lawful for any Person, now without the Power of the Enemy, being a Debtor to any Person now within the Power of the Enemy, at any Time after the Enemy shall be expelled from, or shall have abandoned the City of New-York, and that the Legislature shall have by Law, declared that such Suits as aforesaid shall be no longer stayed, to cite his Creditors before any Court of Law in this State, to have a Settlement, and make Payment agreeable to the Mode prescribed by this Act; and if the Creditors shall refuse to appear and come to Trial, within two Terms next after such Citation, he shall be, and hereby is declared to be barred and precluded from recovering his said Debt, Due or Demand, or any Part thereof.

When certain Debtors may cite their Creditors before any Court, to have a Settlement, &c.

V. *Be it further enacted by the Authority aforesaid,* That any Subject or Subjects of this State, not in the Power or Lines of the Enemy, who are indebted by simple Contract, Bill single or penal, or any other Obligation, Mortgage, Security or Demand whatsoever, to any Person or Persons that have either remained with, gone in to, or have in Consequence of any Law of this State, been sent within the Enemy's Power or Lines, for such Subjects of this State, not in the Power or Lines of the Enemy, so indebted, shall be and hereby are discharged from any Interest which may have become due on such Contract, Bill, Obligation, Mortgage or Securities, since the first Day of January, One Thousand Seven Hundred and Seventy-Six, to the first Day of January, which shall follow next after the Conclusion of the present War; any

Creditors refusing to appear, barred from recovering their Debts.

Debts from Subjects without the Power of the Enemy, to those within it, discharged from Interest from 1st Jan. 1776, to a certain Period after the End of the War.

Law, Usage or Custom to the Contrary notwithstanding:

Proviso. Debts contracted since the 1st Jan. 1776, not discharged from Interest.

Provided, That nothing in this Clause contained, shall be deemed to operate as a Discharge of any Interest which may have accrued on any such Bill, Obligation, Mortgage or other Security, executed since the said first Day of January, One Thousand Seven Hundred and Seventy-six:

Proviso. Shewing the Characters that are only to be allowed the Benefit of this Act.

Provided nevertheless, That no Person or Persons shall be allowed the Benefit of this Act, unless he, she or they shall first have taken the Oath of Abjuration, and the Oath of Allegiance to this State, and shall obtain a Certificate signed by two reputable and well affected Freeholders of this State, one whereof, shall be a Judge of the Inferior Court of Common Pleas of the County in which the Person named in such Certificate shall reside, certifying that he or she is well attached to the Freedom and Independence of the United States of America, and have taken an active and decided Part therein: *And*

Proviso. This Act not to extend to Debts made for the Use of the State.

provided farther, That this Act shall not extend to any Debt or Debts, contracted or made, or hereafter to be made, for the Use of the State, for the Payment of which the Faith thereof is pledged; *And also provided farther*, That nothing in this Act contained, shall be construed to extend to any Person that heretofore hath been, now is, or hereafter shall be a Prisoner with the Enemy.

Not to Prisoners.

This Act not only releases the Debtor from all Arrears of Interest for Ten Years, but exposes the Creditor to the loss of his Capital, by casting him on the Judgment of Auditors, who under the pretext of Equity, have scope to indulge a vindictive Rage upon party Principles against the loyal Creditor, and compels the Receipt of Paper Money at Twenty Shillings in the Pound, though to be bought up at One Shilling and Six-pence, Two Shillings, and Half a Crown.

C H A P. XII.

An Act to explain and amend the Act, entitled, 'An Act relative to Debts due to Persons within the Enemy's Lines.' Passed the 12th of July, 1782. Passed the 24th of November, 1784.

WHEREAS Doubts have arisen whether the said Act doth extend to Executors and Administrators both of Debtors and Creditors, especially the Executors and Administrators of Persons who have deceased since the passing of the said Act;

Preamble.

I. *Be it therefore enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted and declared by the Authority of the same, That the above-said Act, doth extend to the Executors and Administrators of all such Debtors and Creditors, as fully and absolutely as it would extend to their Testators and Intestates, were they in full Life, and shall be so deemed, construed and taken, to all Intents, Constructions and Purposes whatsoever, both in Law and Equity.*

Act extended to Executors of Testators as fully as if they were living.

And whereas some of the Creditors described in the fourth Section of the before in Part recited Act, have withdrawn, or may hereafter withdraw themselves from this State, and thereby put it out of the Power of their Debtors (to whom the aforesaid Act was intended to give Relief) to cite them before any Court of Law in this State, to have a Settlement, and make Payment agreeable to the Mode prescribed in and by the said Act.

Recital.

II. *Be it therefore further enacted by the Authority aforesaid, That it shall and may be lawful, to and for such Debtor or Debtors as aforesaid, by Advertisement, to be published for eight Weeks successively in two of the public News-papers printed in this State, to notify and require such his, her, or their absent Creditor or Creditors, to appear at a Time and Place to be mentioned in such Advertisement, before some certain Court of Law in this State, to have a Settlement and Payment made as aforesaid,*

How Persons who have absented themselves, are to be notified to appear to receive Payment of their Debts.

N^o 2

(which

(which ~~same~~ shall not be less than eight Kalendar Months from the first Publication of such Advertisement) and that such Notification shall be deemed, taken and adjudged to be a sufficient Citation to all Intents and Purposes, and shall have the same Validity and Effect, as if such Creditor or Creditors had been personally cited :

Provided the Debtor make Affidavit that he believes he hath departed the State.

Provided always, That no such Advertisement or any Proceeding thereon, shall be deemed, adjudged, or taken to be good or effectual in the Law, unless the Debtor or Debtors shall previously have made an Affidavit or Affirmation (in Cases where by Law an Affirmation is allowed) before one of the Judges of the Court of Law before which the Appearance of such Creditor shall be required, that he verily believes that the Creditor hath departed the State, or concealed himself therein; and that it is not in the Power of such Debtor or Debtors personally to serve such Creditor with a Citation for his Appearance; which Departure or Concealment shall also be proved to the Satisfaction of such Judge by two Witnesses. *Provided also,*

Claims of certain Legatees not to be affected by this Act.

III. *And be it further enacted by the Authority aforesaid,* That nothing in this Act, or the Act hereby in part recited contained, shall affect, injure, or take away, or be deemed or adjudged to extend to the Claims, Rights and Interests of any Legatee or other Person legally entitled in his or her own Right to the personal Estate of any Testator or Intestate, such Legatee or legal Representative not having remained or come, or by Virtue of any Law of this State been sent within the Power of the Enemy during the late War. *Provided also,* That no Person shall be allowed the Benefit of this Proviso, unless he shall first have taken the Oath of Abjuration and the Oath of Allegiance to this State, and shall have obtained a Certificate signed by two reputable and well affected Freeholders of this State, one whereof shall be a Judge of the Inferior Court of Common Pleas, or Mayor's Court of the County or City in which the Person named in such Certificate shall reside, certifying that he hath constantly and uniformly since the ninth Day of July, One Thousand Seven Hundred and Seventy-six, been well

Oath of Allegiance required of Persons claiming Benefit of this Act, &c.

well attached to the Freedom and Independence of the United States of America, and hath taken an active and decided Part therein,

IV. *And be it further enacted by the Authority aforesaid,* That in all Cases where any Debt, Bill, or other Obligation, Mortgage, Security or Demand whatsoever, mentioned in the said herein in Part recited Act, shall have been assigned since the Time of the passing of the said Act, or shall hereafter be assigned to any Person or Persons whomsoever, by any Person who has remained with, gone into, or was sent within the Enemy's Lines during the said War, every such Assignment shall be deemed and adjudged fraudulent, and to have been made with Intent to elude the said Act, and every such Assignee, and his Representative shall be bound to receive payment from the Debtor or his Representative, in the same Manner as the Original Obligee, Mortgagee, or Creditor would have been held to receive the same, had no such Assignment been made.

When Assignment of any Debt is deemed fraudulent.

V. *And be it further enacted by the Authority aforesaid,* That nothing in the aforesaid in Part recited Act, or this Act, shall be deemed, taken or construed to prejudice or affect any Corporation or Body Politic, except only with respect to Assignments herein before mentioned and described.

Corporation only to be affected in Cases of Assignment.

VI. *And be it further enacted by the Authority aforesaid,* That the above-mentioned Act shall be construed to extend to the Assignees or Trustees of the Estates of such Persons who became insolvent Debtors before the ninth Day of July, 1776, so far as relates to Monies due to Persons who remained within the British Lines in this State.

Act to extend to certain insolvent Debtors Estates.

C H A P. XVIII.

An Act to enable the Clerks of the respective Cities and Counties within this State, to cancel the Records of certain Mortgages, made and executed to Persons whose Estates are forfeited, on Proof that such Mortgages are satisfied. Passed, November, 1784.

Preamble

WHEREAS it is represented to the Legislature, that certain Mortgages to Persons, whose real and personal Estates are forfeited, and vested in the People of this State, are registered in the Office of the Clerks of several of the Cities and Counties within this State, pursuant to an Act of the late Colony, entitled, "An Act for preventing Frauds by Mortgages, which shall be made and executed after the first Day of June, in the Year One Thousand Seven Hundred and Fifty-four," passed the 12th Day of December, 1753, and that in many Cases, the original Mortgages remain in the Hands or Power of the Mortgagees.

And whereas it is required by the said Act, that the Certificate thereby prescribed to enable the respective Clerks to discharge the Entry of Mortgages, shall be signed only by the Mortgagee, his or her Executors, Administrators or Assigns; and by Reason thereof, Mortgages so as aforesaid, vested in the People of this State, although they should be fully redeemed and paid off, could not be cancelled, but must remain an Incumbrance to the great Disencouragement of Purchasers, and the Detriment of the Public: For Remedy whereof,

Persons entitled to the Equity of Redemption of Lands vested in the People, to prove to some Judge the Payment made on the Mortgage.

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the Authority of the same, That where any Person or Persons, entitled to the Equity of Redemption of Lands, Tenements or Hereditaments, vested in Manner aforesaid in the People of this State, shall be desirous to redeem and discharge the Incumbrances thereon, or who have redeemed and discharged the Incumbrances on such Lands,*

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Tenements or Hereditaments, since the twelfth Day of May, One Thousand Seven Hundred and Eighty-four, it shall and may be lawful, to and for all and every such Person or Persons, to apply to any one of the Judges having Authority to take Proofs and Acknowledgements of the due Execution of Mortgages, in the City or County wherein the same Lands, Tenements, or Hereditaments may be situated, and to produce to such Judge, the Evidence respecting such Mortgage, and the Payments made thereon. And if the Judge, on satisfactory Testimony, shall be able to ascertain the Balance in arrear on such Mortgage, he shall, after due Examination, certify under his Hand and Seal to the Treasurer of the State, and to the Clerk of the City or County in whose Office the Mortgage may be registered, the Balance which shall so appear to him to be justly due thereon; and upon producing such Certificate to the Treasurer and tender in the Manner which the Law directs of such Balance; the Treasurer shall, and he is hereby authorized and directed to receive the same, and to sign a Certificate of such Receipt, which Certificate being acknowledged by him or proved by the Oath of one or more Witnesses, in the Manner directed by the said Act, with respect to the Certificate of the Mortgagee, or his Representative; and being filed with the Certificate of the Judge first mentioned, in the Office of the Clerk of the City or County where such Mortgage shall be registered, it shall and may be lawful, to and for the said Clerk, and he is hereby required to enter in the Book of Mortgages, a Minute of the said Certificates; which Minute so entered, shall operate as a full and absolute Bar to all and every such Mortgage and Mortgages to all Intents and Purposes whatsoever.

Provided, That with respect to such Persons who have redeemed or discharged the said Incumbrances, on such Lands, Tenements, or Hereditaments since the twelfth Day of May, One Thousand Seven Hundred and Eighty-four, it shall only be necessary for the said Persons respectively; to produce the Certificate of Discharge given by the Treasurer on Payment, and upon Proof of the same in Manner aforesaid, it shall be lawful for the said Clerks, and they

Who shall certify the Balance in Arrear to the Treasurer.

And when paid, to be certified by him.

Which being filed with the Clerk of the County and a Minute thereof made in the Book of Mortgages, shall operate as a Bar to every such Mortgage.

Provido, where Incumbrances on such Lands have been discharged since 12th of May, 1784, the Treasurer's Certificate shall be sufficient.

they are hereby respectively required to enter in the Book of Mortgages a minute of the said Certificates respectively, which shall operate as a Discharge in like Manner as aforesaid.

These Laws by an operation in the Face of the Treaty, wasting the personal Funds of all the Loyalists, whether attainted or not attainted, before the Peace, casts them entirely upon the Bounty of Great-Britain to save them from total Ruin.

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Banishing the Loyalists.—Punishing Adherence to the King of Great-Britain—And to exclude such of His Majesty's faithful Subjects as had left the State at any Time before the 10th Day of December, 1783, from returning to, or residing in the same.

C H A P. XLVII.

An Act more effectually to prevent the Mischiefs, arising from the Influence and Example of Persons of equivocal and suspected Characters, in this State. Passed the 30th of June, 1778.

WHEREAS certain of the Inhabitants of this State, have, during the Course of the present cruel War, waged by the King and Parliament of *Great-Britain*, against the People of these States, affected to maintain a Neutrality, which there is Reason to suspect was in many Instances, dictated by a Poverty of Spirit, and an undue Attachment to Property. *And whereas* divers of the said Persons, some of whom, advocated the *American Cause* 'till it became serious, have notwithstanding the Forbearance of their Countrymen, and contrary to the Faith pledged by their Paroles, ungratefully and insidiously, from Time to Time, by artful Misrepresentations,

Preamble.

sentations, and a subtle Dissemination of Doctrines, Fears and Apprehensions, false in themselves and injurious to the *American Cause*, seduced certain weak minded Persons from the Duties they owed their Country: *And whereas* the welfare of this State loudly demands that some decisive Measures be taken with Respect to the said Persons; and it being repugnant to Justice as well as good Policy, that Men should be permitted to shelter themselves under a Government, which they not only refused to assist in rearing, but which some of them daily endeavoured to undermine and subvert; *And whereas*, such few of the said Persons, as may have been led to take a neutral Part by conscientious Doubts and Scruples, have had more than sufficient Time to consider and determine the same;

The Commissioners for Conspiracies, or any three of them, to cause Persons of neutral and equivocal Characters, and of sufficient Influence to do Mischief, to come before them and take the following Oath or Affirmation.

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the Authority of the same, That the Commissioners appointed for enquiring into, detecting and defeating all Conspiracies, which may be formed in this State, against the Liberties of America; or any three of them be, and they hereby are authorized and strictly charged and required, to cause all such Persons, of neutral and equivocal Characters in this State, whom they shall think have influence sufficient to do Mischief in it, to come before them, and to administer to the said Persons respectively, the following Oath, or if of the People called Quakers, Affirmation, viz.*

Form thereof.

"I, *A. B.* do solemnly, and without any mental Reservation or Equivocation whatever, swear and call God to Witness; or if of the People called Quakers, affirm, that I do believe and acknowledge, the State of *New-York*, to be of right a Free and Independent State. And that no Authority or Power, can of Right, be exercised in or over the said State, but what is, or shall be granted by or derived from the People thereof. *And further,* That as a good Subject of the said Free and Independent State of *New-York*, I will, to the best of my Knowledge and Ability, faithfully do my Duty; and as I shall keep or disregard this Oath. So help and deal with me Almighty God."

II. *And*

II. *And be it further enacted by the Authority aforesaid,* That if on the said Oath or Affirmation, being so tendered, the said Person or Persons shall refuse to take the same, the said Commissioners do forthwith remove the said Person or Persons so refusing, to any Place within the Enemy's Lines, and by Writing under their Hands and Seals, certify the Names of such Person or Persons, to the Secretary of this State, who is hereby required to Record and File the said Certificates.

And on Refusal to take the same when tendered, to remove them to any Place within the Enemy's Lines, and under their Hands certify the Names of such Persons to the Secretary of State, who is to record and file the Certificates.

III. *And be it further enacted by the Authority aforesaid,* That if any of the said Neutrals shall abscond or absent himself with an apparent View to avoid the Force of this Act, the said Commissioners shall by Notice, published in one or more of the News-papers of this State, demand of the said Person or Persons so absconding or absented, to appear before them, at such Place in this State, and at such Time, not exceeding twenty-one Days from the Time of such Publication, as they shall assign. *And further,* That Default in such Appearance, shall be adjudged to amount to and is hereby declared to be a Refusal to take the said Oath or Affirmation.

Such Neutrals absconding to elude this Law, shall by Notice, to be published by the Commissioners, in one or more of the public News-papers, be demanded to appear at a fixed Place and Time, not exceeding twenty one Days.

Default of Appearance, to be deemed a Refusal to take the Oath or Affirmation.

IV. *And be it further enacted by the Authority aforesaid,* That if any of the Persons removed to Places within the Enemy's Lines by the said Commissioners, in pursuance of this Act, or who having as aforesaid, absconded or absented, shall not on Notice as aforesaid appear before the said Commissioners, and take the Oath or Affirmation aforesaid, shall thereafter be found in any Part of this State; such Person or Persons so found, shall on Conviction thereof, be adjudged guilty of Misprision of Treason.

Persons refusing to take it, or in Default as aforesaid, it found within this State, and convicted, guilty of Misprision of Treason

And to the End, That this State may be in some Measure compensated for the Injuries it has sustained by the evil Example or Practices of the said Neutrals, and that others may be deterred on similar Occasions, from acting a Part so unmanly and ignominious;

V. *Be it further enacted by the Authority aforesaid,* That all Lands held in this State, on the twenty-sixth Day of June Instant, in Fee Simple or Fee Tail, or which may hereafter be acquired by, or

The Lands vesting in them, on 26th June, 1778, or after the passing of this Law, in whosesoever Hands

they may hereafter be, for ever subject to double Taxes.

devised, granted, or descend to any of the Persons who shall refuse to take the aforesaid Oath or Affirmation, when called upon by the said Commissioners, shall for ever thereafter, be charged with double Taxes, in whosesoever Hands the said Lands may hereafter be.

The Commissioners, previous to the Removal of such Persons, to notify them to the Person administering the Government.

He empowered to confine such of them as he shall think proper, for Exchange for Subjects of this State, in the Power of the Enemy.

And to see this Law fully and speedily executed.

VI. And be it further enacted by the Authority aforesaid, That the said Commissioners, previous to the Removal of the said several Persons within the Enemy's Lines, shall from Time to Time, notify the Person administering the Government of this State for the Time being, of the several Persons so to be removed, who is hereby authorised to detain and confine, such of the said Persons as he shall think proper, for the Purpose of exchanging them for any of the Subjects of this State, in the Power of the Enemy.

VII. And be it further enacted by the Authority aforesaid, That the Person administering the Government of this State for the Time being, be, and he is hereby required to do his best Endeavours, that this Act be fully and speedily carried into Execution, and all Magistrates, Sheriffs and Constables, are required to be aiding therein,

By this Law, all who refused to abjure the Crown are subject to Banishment, and their Estates to the Payment of double Taxes for ever; and on being found in the State are adjudged guilty of Misprision of Treason.

C H A P. XXXIII.

An Act to enable the Person administering the Government, to exchange Persons applying for that Purpose, as Prisoners of War, for the Subjects of this State, Prisoners of War with the Enemy. Passed the 20th of March, 1781.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the Authority of the same, That it shall and may be lawful for the Person administering the Government for the Time being, as often as he shall deem it expedient, to exchange any Inhabitant of this State, whom he shall judge a proper Object for such Exchange; and upon the Application of such Inhabitant, as a Prisoner of War, for any Person or Persons, Subjects of this State, Prisoners of War with the Enemy, in like Manner as if such Inhabitant applying for such Exchange, was a Subject of the King of Great-Britain, and had been made a Prisoner when in Arms against this State; that every such Application shall be made in Writing; and if the Person administering the Government shall consent thereto, and approve thereof, he shall certify such Consent and Approbation, by an Endorsement on the Writing containing such Application, and shall cause the said Application and Certificate, to be filed in the Secretary's Office of this State, there to be recorded; and the said Inhabitant so applying, shall from and immediately after the Date of such Certificate, be, and is hereby declared to be, and shall be deemed and treated as a Prisoner of War to this State, and a Subject of the King of Great-Britain; and all and singular the real Estate held or claimed within this State, by such Person, on the Day of the Date of the said Certificate, shall be and hereby is declared to be forfeited to, and vested in the People of this State.

This Law forfeits the Estate of such Persons as were exchanged, and thereby precludes them from repossessing their Estates, as fully as though they were by Name attainted of High Treason. Many Loyalists have been deprived of their Estates under this Law.

Government authorized to exchange Persons as Prisoners of War, upon Application, whom he shall deem proper Objects.

Such Application to be made in Writing, and the Gov's. Approbation to be endorsed on the same, and filed in the Secretary's Office, and recorded.

Such Person so applying, immediately after to be treated as a Prisoner of War.

And his real Estate forfeited.

C H A P. XLVIII.

An Act more effectually to punish Adherence to the King of Great-Britain, within this State. Passed the 30th of March, 1781.

Preamble.

WHEREAS, although adhering to the Enemies of this State, is by Law, High Treason against the People of this State; yet in Order more effectually to prevent an Adherence to the King of Great-Britain, it is deemed requisite that farther Provision should be made by Law;

Any Person who maliciously, by preaching, &c. maintains that the King of Great-Britain hath any Authority over this State;

Or shall seduce any Inhabitant of this State, to renounce Allegiance to the same, guilty of Felony.

How he may be indicted, tried, and convicted.

I. *Be it therefore enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the Authority of the same,* That if any Person being a Citizen or Subject of this State, or of any of the United States of America, and abiding or residing within this State, shall maliciously, advisedly and directly, by preaching, teaching, speaking, writing, or printing, declare, or maintain, that the King of Great-Britain hath, or of Right ought to have, any Authority or Dominion, in or over this State, or the Inhabitants thereof, or shall maliciously and advisedly seduce or persuade, or attempt to persuade or seduce any Inhabitant of this State, to renounce his or her Allegiance to this State, or to acknowledge Allegiance or Subjection to the King or Crown of Great-Britain, or shall maliciously and advisedly declare or affirm, that he or she doth owe Allegiance to the King or Crown of Great-Britain, and be convicted thereof, shall be adjudged guilty of Felony, and shall suffer the Pains and Penalties prescribed by Law in Cases of Felony, without Benefit of Clergy, and may be indicted, tried, and convicted, at any special Sessions, of Oyer and Terminer and Gaol Delivery, to be held in Pursuance of the Act, entitled, "An Act for the more speedy Trial of Felonies without Benefit of Clergy, for subjecting the Accessaries to such Felonies, to a like Punishment with the Principals; and for the Trials of such Accessaries although the Principals may not be convicted,"

vised," passed the 11th of March, 1780, any Law to the Contrary notwithstanding.

Provided nevertheless, That it shal. and may be lawful for the Court before whom such Offender shall be convicted, if such Court shall deem it proper, instead of giving Judgment of Death, to order and direct that such Offender shall be sent, as soon as conveniently may be, to serve for the Term of three Years on board of any Ship of War, belonging to this State, or to the United States, or to any Ally of the United States; and if any Offender so ordered by any such Court, to be sent to serve on board any such Ship of War for the Term aforesaid, shall desert from such Service and be found within this State, or any other of the United States, the Person so deserting, shall be liable to be punished as a Person attainted of Felony without Benefit of Clergy, and Execution may, and shall be awarded against such Offender accordingly, any Thing in this Act to the Contrary notwithstanding.

Court instead of giving Judgment of Death, may direct the Convict to serve three Years on Board any Ship of War; and on Desertion to suffer Death,

And be it further enacted by the Authority aforesaid; That at every Term of Supreme Court, and at every Sessions of Oyer and Terminer and Gaol Delivery, the Grand Jury shall be specially charged to enquire of the Felonies aforesaid.

Grand Jury at every Court, to inquire of such Felonies.

C H A P. LXVI.

An Act to preserve the Freedom and Independence of this State, and for other Purposes therein mentioned.
Passed the 12th. May, 1784.

WHEREAS it is of great Importance to the Safety of a free Government, that Persons holding Principles inimical to the Constitution, should not be admitted into Offices or Places of Trust, whereby they might acquire an immediate Influence in the Direction of its Councils; *And whereas* some of the Citizens of this State, entertaining

Preamble.

taining Sentiments hostile to its Independence, have taken an active Part in the late War, in Opposition to the present Government, and it would be improper and dangerous that such Persons should be suffered to hold or enjoy any such Office or Place of Trust within this State: *And whereas* it is the Duty of the Legislature to pursue every reasonable and proper Measure to secure the Government from being disturbed and endangered:

Description of certain Characters.

I. Be it therefore enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the Authority of the same, That all and every Person or Persons, Natives or others, who being resident in this State, or any other of the United States, on the ninth Day of July, in the Year of our Lord One Thousand Seven Hundred and Seventy-six, and who have at any Time since the said ninth Day of July, in the Year of our Lord One Thousand Seven Hundred and Seventy-six, accepted, received, held, or exercised any military Commission or Commissions whatsoever, by or under any Authority derived from the King of Great-Britain; and every Person or Persons who being resident within this State, or any other of the United States, as aforesaid, on the ninth Day of July, One Thousand Seven Hundred and Seventy-six aforesaid, who have owned or fitted out, or who have been concerned in fitting out any Privateer or Privateers, or Vessels of War, to cruise against, or commit Hostilities upon the Vessels, Property and Persons of any of the Citizens of the United States, or against their Allies; and every Person or Persons whatsoever, who being resident in this State, or any other of the said United States, on the ninth Day of July, in the Year of our Lord One Thousand Seven Hundred and Seventy-six aforesaid, who have served on board such Privateers or Vessels of War, in the Condition or Capacity of Captain, Lieutenant, or Master; and also every Person or Persons, who being resident in this State, or any other of the United States, on the ninth Day of July, One Thousand Seven Hundred and Seventy-six aforesaid, and who since that Time have accepted, held, or exercised any Office, Commission, or Appointment in the Board or Boards of Police,

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Police, instituted and established in the Southern District of this State during the late War, by Virtue of, and under Authority derived from the King of Great-Britain; and also every Person or Persons whatsoever, who being resident in this State, or any other of the United States, on the ninth day of July, in the Year One Thousand Seven Hundred and Seventy-six aforesaid, and who since that Time have accepted, received, held, or exercised any Office, Commission, or Appointment whatsoever, in the Court of Admiralty instituted and established in the Southern District of this State during the late War, by Virtue of Authority derived from the King of Great-Britain as aforesaid; and also all and every Person or Persons whatsoever, who being resident in any of the United States, except this State, on the ninth Day of July, One Thousand Seven Hundred and Seventy-six aforesaid, and who at any Time since that Day, and during the late War, have fled or removed from such of the said States of which such Person or Persons were respectively resident on the ninth Day of July aforesaid, and who have gone over to, joined, or put himself or themselves under the Power and Protection of the Fleets or Armies of the King of Great-Britain aforesaid; and all and every Person and Persons who being resident in this State on the ninth Day of July, One Thousand Seven Hundred and Seventy-six aforesaid, and who since that Day have voluntarily gone over to, remained with, or joined the Fleets and Armies of the King of Great-Britain aforesaid, at any Time during the late War, who has or have left this State on or before the tenth Day of December, in the Year of our Lord One Thousand Seven Hundred and Eighty-three, and who have not returned, and who shall hereafter be found within this State; such Person or Persons so found, shall be, on Conviction thereof, adjudged guilty of Misprision of Treason.

Certain Characters
to be adjudged guilty
of Misprision of Treason.

Provided always, That nothing in this Act contained, shall be taken or deemed to affect any Person who at the Time of committing any of the Offences aforesaid, was a Minor under sixteen Years of Age, or a Person insane.

Proviso. In favour
of Minors and Persons
insane.

Proviso. Permitting certain Persons to come to and remain in the State to defend certain Suits.

And provided also, That it shall and may be lawful for any such Person or Persons, whose Estates respectively may be attached by any Law of this State, and Advertisement made thereof agreeable to such Law, to come and remain within this State for so long a Time as may be absolutely necessary to defend his, her or their Suit; any Thing in this Act to the contrary thereof in any Wise notwithstanding.

Characters' disqualified to hold Offices or Places, and to vote in any Election within this State.

II. *And be it further enacted by the Authority aforesaid,* That all and every Person or Persons falling under any of the Descriptions herein before-mentioned, and the Descriptions mentioned in the twelfth Section of the Act, entitled, "An Act to regulate Elections within this State," passed the twenty-seventh Day of March, One Thousand Seven Hundred and Seventy-Eight; and who has or have not left this State, are hereby for ever disqualified and rendered incapable of holding, exercising, or enjoying any legislative, judicial or executive Office or Place whatsoever, within this State; and shall, and hereby is and are for ever disqualified and incapacitated to elect or vote, either by Ballot or viva Voce, at any Election to fill any Office or Place whatsoever, within this State: And if any Person shall offer himself as an Elector, at any Election hereafter to be holden for an Office or Place within this State, and shall be suspected of, or charged to be within any of the Descriptions aforesaid, it shall be lawful for the Inspectors or Superintendants (as the Case may be) to enquire into, and determine the Fact whereof such Person shall be suspected, or wherewith he shall be charged as the Cause of Disqualification aforesaid, on the Oath of one or more Witness or Witneses, or on the Oath of the Party so suspected or charged, at their Discretion; and if such Fact shall, in the Judgment of the Inspectors or Superintendants be established, it shall be lawful for them, and they are hereby required to reject the Vote of such Persons at such Election.

How Inspectors at Elections are to determine Facts charged on suspicious Characters offering to vote.

Where their Votes shall be rejected.

Proviso. In favour of certain Persons who accepted Commissions, &c. in the Southern District during the War.

Provided always, That if it shall appear to the Satisfaction of the Inspectors or Superintendants at any Election, that any Person offering himself as an Elector, has, during the late War, within the Southern

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Southern District, by Fear or Compulsion, accepted, held, or exercised any such Office, Commission, or Appointment, or may have involuntarily done any Act or Acts, which by the said Section would have disqualified him from holding any Office, or from being an Elector, had the same been voluntarily done, and that such Person otherwise has uniformly behaved as a Friend to the Freedom and Independence of the United States; the Inspectors shall admit such Person to give his Vote at any such Election, any Thing in this Act to the Contrary notwithstanding.

Whereas a very respectable number of Citizens of this State, well attached to the Freedom and Independence thereof, have intreated the Legislature to extend Mercy to Persons herein-after mentioned, and to restore them to their Country;

Preamble.

III. *Be it therefore further enacted by the Authority aforesaid*, That Gysbert Marselius, Henry Staats, John Stevenson, Henry Van Dyck, John Van Allen, Henry Van Schaack, David Van Shaack, Harman Pruyn, William Rea, Myndert Viele, William Lupton, Cadwallader Colden, Walter Dubois, Cornelius Luyster, Andrew Graham, John Thurman, Samuel Fowler, Joseph Mabbit, John Green, Dirck Van Vleet, Jost Garrison, John Booth, Rolef Elting, Solomon Elting, Richard Harrison, James Smith, and Benjamin Lapham, shall be, and every of them are hereby permitted to return to and reside within this State, without any Molestation, and therein to remain until the End of the next Meeting of the Legislature, or until further legislative Provision shall be made in the Premises; any Thing in the Act, entitled, "An Act more effectually to prevent the Mischiefs arising from the Influence and Example of Persons of equivocal and suspected Characters in this State." Passed the 30th Day of June, 1778, to the Contrary thereof in any Wise notwithstanding.

Certain banished Persons permitted to return and remain in the State for a certain Time, or until further legislative Provision shall be made respecting them.

It is observable that though the Treaty makes the Loyalists dispensibale for their active Allegiance, this Law creates a perpetual Banishment, even of those who under the Act of the 30th of June, 1778, were intitled

to return to the State or abide in it, with a full Redintegration of all their Rights.—It restores, pro tempore, only a few by Name.

Their own Counsel of Revision stated this Act in its Passage as directly repugnant to the Treaty. See Appendix, No. 2.

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C H A P. XII.

An Act making it necessary for the Attornies, Solicitors, and Counsellors at Law, who have been licensed to plead or practise in any of the Courts of Law or Equity, within the late Colony of New-York, to produce Certificates of their Attachment to the Liberties and Independence of America. Passed, October 9th, 1779.

WHEREAS many Persons who have heretofore been authorised and licenced to plead or practise as Attornies, Solicitors and Counsellors at Law, in the several Courts of Law and Equity within this State, whilst the same was under the Government of the King of *Great-Britain*, as the Colony of *New-York*, regardless of the Duty which they owed to their oppressed Country, have some of them gone over to, and put themselves under the Protection of the Armies of the said King, and others

Preamble, reciting the Disaffection of many Men of the Law.

others have conducted themselves in such a neutral or equivocal Manner, as has justly rendered them suspected of disaffection to the Freedom and Independence of this State;

And that it would be a public Evil to suffer them to practise.

And whereas it will be inconsistent with the Welfare of this State, that such Persons should be allowed to plead or practise again in any of the Courts within the same; and the Constitution of this State, having subjected to the Rules and Orders of the said Courts, such Attornies, Solicitors and Counsellors at Law, only, as shall hereafter be appointed; it is thereby become necessary for the Legislature to make Provision in the Premises:

All Licences before 1st April, in the first Year of Independence suspended after next Sessions of Courts respectively.

I. Be it therefore enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the Authority of the same, That all Licences granted to any Person or Persons, to plead or practise as Counsellors, Solicitors or Attornies at Law, in any of the said Courts, before the twenty-first Day of April, in the first Year of the Independence of this State, shall be, and they hereby are declared to be suspended, from and after the first Day of the Term or Session of any of the said Courts respectively, which shall happen next after the passing of this Act.

Any Practiser may apply to the Supreme Court for a Writ of Inquiry into his political Character, to be issued to the Sheriff.

II. And be it enacted by the Authority aforesaid, That it shall and may be lawful for any Counsellor, Solicitor or Attorney at Law, whose Licence shall be so suspended, to apply to the Supreme Court of Judicature of this State, to have the Suspension of his Licence taken off; which said Court is hereby authorised and required upon such Application, to grant a Writ of Inquiry, under the Seal of the said Court, directed to the Sheriff of the County where such Person shall reside, commanding him to summon the Freeholders of the said County, and in the said Writ named, consisting of not more than sixteen, nor less than eight Persons of established Reputation, and of known Attachment to the Freedom and Independence of America, and to be nominated and appointed by the said Court, to meet at such Time and Place, as in the said Writ shall be specified, to enquire whether the Person so applying,

The Number of Jurors and their Qualifications, and how to be appointed.

has

has conducted himself as a good and zealous Friend to the *American Cause*, since the Commencement of Hostilities by the King of *Great-Britain*, against these United States; at which Time and Place the said Sheriff shall administer to each Freeholder in the said Writ named, the following Oath, *viz.*

Of what they are to enquire.

Sheriff to swear them, and Form of the Oath,

“ You shall well and truly enquire whether has, since the Commencement of Hostilities by the King of *Great-Britain*, against these United States, voluntarily put himself under the Protection of any or either of the Fleets or Armies of the said King; and whether the said has conducted himself in such a neutral and equivocal Manner, as to raise just Suspicions of his being disaffected to the Freedom and Independence of these States: And whether the said has uniformly and steadily conducted himself as a good and zealous Friend to the *American Cause*: So help you God.”

And the Inquisition being taken under the Hands and Seals of the said Sheriff and Freeholders, shall be returned into the Court from whence the Writ issued; and if from the Inquisition taken as aforesaid, it shall appear to the said Court, that the Person at whose Request the said Inquisition shall be taken, has not voluntarily put himself under the Protection of the Enemy, since the Commencement of Hostilities by the King of *Great-Britain* against these States; and that he has not behaved himself in such a neutral and equivocal Manner as to raise just Suspicions of his being disaffected to the Freedom and Independence of these United States; and that he has uniformly and steadily conducted himself as a good and zealous Friend to the *American Cause*, since the Commencement of Hostilities as aforesaid; he shall be restored to his full Privilege of an Attorney, Solicitor or Counsellor at Law, as the Case may be, of which the Judges of the said Supreme Court or one of them, shall give him a Certificate.

The Inquisition to be returned under the Hands and Seals of the Sheriff and Jurors, and what the Inquest shall find to entitle to a Restoration to practice.

In such Case, the Judges or one of them, to give him a Certificate.

Provided always nevertheless, That if any Attorney, Solicitor or Counsellor at Law, shall, since the ninth Day of *July*, in the Year of our Lord One Thousand Seven Hundred and Seventy-six, have served as a Member of the Convention or Legislature, of this

Proviso, in Favor of those who have served in public Offices, since the 9th *July*, 1776.

this or any other of the United States, or served as a Delegate in Congress; or shall have served under any Commission, either Civil or Military, from the Congress of the United States, or from this or any other of the United States; on Affidavit of such Service to be read and filed in Court, such Counselor, Solicitor or Attorney, shall be restored to his full Privileges: Any Thing in this Act contained to the Contrary, in any Wise notwithstanding.

C H A P. XIII.

An Act to amend an Act passed the 9th Day of October, 1779, relative to Attornies, Solicitors, and Counsellors at Law. Passed 20th November, 1781.

Preamble.

WHEREAS no Person is authorised or required to attend on Behalf of the People of this State at the Execution of a Writ of Inquiry, to be issued in Pursuance of the Act, entitled, "*An Act making it necessary for the Attornies, Solicitors, and Counsellors at Law, who have been licenced to plead or practise in any of the Courts of Law or Equity, within the late Colony of New-York, to produce Certificates of their Attachment to the Liberties and Independence of America.*"

Attorney-General to be served with a Notice of the Time and Place of Execution of a certain Writ of Inquiry, 20 Days previous to its Execution.

I. *Be it therefore enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the Authority of the same,* That whenever any Writ of Inquiry shall be issued in Pursuance of the said Act, the Person at whose Instance the same is granted, shall cause Notice of the Time and Place of its Execution, to be served on the Attorney-General of this State, at least twenty Days previous to such intended Execution thereof; and the Attorney-General, or some Person authorised by him for that Purpose, by writing under his Hand, is hereby required to attend the Execution of such Writ of Inquiry, and to prosecute for and on Behalf of the People of this State.

II. *And*

II. *And be it further enacted by the Authority aforesaid,* That each and every Attorney, Solicitor, or Counsellor at Law, whose Suspension heretofore has been, or hereafter shall be taken off, and who hath not been duly qualified before the passing of this Act, according to the Directions of an Act, entitled, "*An Act requiring all Persons holding Offices or Places under the Government of this State, to take the Oaths therein prescribed and directed,*" passed the 5th Day of March, 1778, shall, before he shall be admitted to plead or practise in any Court within this State, take and subscribe the Oath prescribed by an Act, entitled, "*An Act for the better securing the Independence of this State, and to that End, requiring all public Officers and Electors within this State, to take the Test Oath therein contained,*" passed the 26th Day of March last; and that if any Attorney, Solicitor or Counsellor, whose Suspension is already taken off, and who has not, before the passing of this Act, been duly qualified pursuant to the Directions of the said Act passed March 5th, 1778, and being at present an Inhabitant of this State, shall not, within three Months after passing of this Act; or if such Suspension shall be hereafter taken off, shall not within ten Days after such Suspension shall be taken off, take the Oath in and by the last mentioned Act prescribed, shall be for ever hereafter precluded and barred from pleading or practising in any of the Courts of Law or Equity in this State, and in Order to compel the Attendance of Witnesses,

Suspensions taken or to be taken off Attornies, &c. and not been duly qualified, to take the Oath in the Act of the 26th March last.

Duty of Attornies, &c. whose Suspension is already, or shall hereafter be taken off.

III. *Be it further enacted by the Authority aforesaid,* That Process of Subpoena may issue to convene Witnesses before the Sheriff on the Execution of such Writs as aforesaid, as is usual on the Execution of Writs of Inquiry of Damages:

Subpoena to compel the Attendance of Witnesses.

L A W S

R E S P E C T I N G

Trespasses, subjecting the *Loyalists*, and even *Servants of the Crown*, to Prosecutions for Acts done by them in the discharge of their duty, under the Orders of the Commander in Chief of His Majesty's Forces, the Rights of Conquests, and the Law of Nations.

C H A P. XXXI.

An Act for granting a more effectual Relief in Cases of certain Trespasses. Passed 17th March, 1783.

The Characters entitled to bring Suits, and against whom.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the Authority of the same, That it shall and may be lawful for any Person or Persons, who are, or were Inhabitants of this State, and who, by Reason of the Invasion of the Enemy, left his, her, or their Place or Places of Abode, and who have not voluntarily, put themselves respectively, into the Power of the Enemy, since they respectively left their Places of Abode, his, her or their Heirs, Executors or Administrators, to bring an Action of Trespass against any Person or Persons who may have occupied, injured, or destroyed his, her or their Estate, either real or personal, within the Power of the Enemy, or against any Person or Persons

Persons who shall have purchased or received any such Goods or Effects, or against his, her or their Heirs, Executors or Administrators, in any Court of Record within this State, having Cognizance of the same; in which Action, if the same shall be brought against the Person or Persons who have occupied, injured or destroyed, or purchased, or received such real or personal Estate as aforesaid, the Defendant or Defendants shall be held to Bail; and if any such Action shall be brought in any inferior Court within this State, the same shall be finally determined in such Court, and every such Action shall be considered as a transitory Action. That no Defendant or Defendants shall be admitted to plead, in Justification, any military Order or Command whatever, of the Enemy, for such Occupancy, Injury, Destruction, Purchase or Receipt, nor to give the same in Evidence on the General Issue.

Defendant held to Bail.

Military Orders not admissible in Evidence.

If this Act was not passed after Knowledge of the Peace, the News of which, arrived at Philadelphia the 14th of that Month, it was in the clear prospect of it, and though directly repugnant to it, is in daily operation to the ruin of multitudes, and not repealed.

C H A P. XL,

An Act for suspending the Prosecutions therein mentioned. Passed 21st March, 1783.

WHEREAS many zealous Friends to the Freedom and Independence of the United States of America, have, during the present Contest with Great-Britain, committed and done Acts in Support of the said Freedom and Independence, which were not conformable to the strict Letter of the Law.

Preamble. As to certain Acts done, not conformable to Law.

And whereas, no sufficient Discrimination can be made before the Restoration of public Tranquility, between wanton Acts of Violence, and Acts which proceeded from a Desire to promote the public Safety;

Q:

B:

No Prosecution for certain unlawful Acts done, to promote the American Cause, between 19th April, 1775, and 1st January, 1783.

This Act to be pleaded in Bar of such Suits, &c.

Proviso. As to Suits, &c. already commenced.

*Be it therefore enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the Authority of the same, That no Action, Suit or Prosecution, for any Imprisonment, Escape, Assault, Battery or Trespass, done or committed by any such Person or Persons, with Intent to further the common Cause of America, from and after the Nineteenth Day of April, in the Year One Thousand Seven Hundred and Seventy-Five, and before the first Day of January last, shall be commenced, sued, brought, or prosecuted by Bill, Plaint, Indictment or Information, by any Person or Persons whomsoever, until the further Order of the Legislature: And that any Person or Persons against whom any Suit or Action shall be commenced for such Imprisonment, Escape, Assault, Battery or Trespass, either by Bill, Plaint, Indictment or Information, shall and may plead this Act in Bar, and Discharge of such Suit, Action or Prosecution; and that in Cases where any such Suit, Action or Prosecution has already been commenced, and not determined, the Defendant or Defendants may give in Evidence this Act, on the Trial, upon any Issue already joined or to be joined: *Provided*, That nothing herein contained, shall affect any Action, Suit, or Prosecution, in which Judgment has been rendered, and Execution awarded and levied.*

This Act indemnifies the Subjects of the State from Prosecutions, for any illegal Acts by them committed during the War; though the Loyalists and Servants of the Crown, by the Act of the 17th March, 1783, are made responsible for Acts done by them, during the War, tho' justifiable by the Law of Nations.

C H A P. LIV.

An Act to amend an Act, entitled, " an Act for Relief against absconding and absent Debtors," and to extend the Remedy of the Act, entitled, " An Act for granting a more effectual Relief in Cases of certain Trespasses, and for other Purposes therein mentioned." Passed May 4th, 1784.

WHEREAS divers persons being indebted to the Citizens of this State, having since the ninth Day of July, in the Year of our Lord One Thousand Seven Hundred and Seventy-Six, removed from Parts of this State out of the Power of the Fleets and Armies of the King of Great-Britain, late Enemies of this State, to Parts thereof then within the Power of the said Fleets and Armies; or having during the late War remained in Parts of this State which then were within the Power of the Fleets and Armies of the said King, and who have respectively withdrawn himself or themselves from the State; by which Creditors will be defrauded of their just Dues, unless a legislative Provision shall be made for their Relief.

Preamble, Reciting that certain absconding Debtors, may defraud their Creditors.

I. Be it therefore enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the Authority of the same, That if any Person or Persons, who, since the ninth Day of July, in the Year One Thousand Seven Hundred and Seventy-Six, removed from any Part of this State out of the Power of the Fleets and Armies of the King of Great-Britain, late Enemies of this State to any Part thereof, at the Time of such Removal, within the Power of the said Fleets and Armies; or having during the late War, remained within the Power of the Fleets and Armies of the said King, and who hath or have since withdrawn himself or themselves respectively, from the said State, leaving Property within the same, are or shall be indebted to any Person or Persons Citizens of this State, in the Sum of Ten Pounds or upwards; it shall and may be lawful for such Creditor or Creditors respectively, to make Application to any one of the Judges of the Supreme Court of Judicature

How Citizens to recover their Debts from Persons so withdrawn.

of

of this State, or to any one of the Judges of the Court of Common Pleas of the County, in which the Property of the Debtor or Debtors is or doth lie, and then and there make Affidavit (or if of the People called Quakers) Affirmation, that such Person or Persons is or are justly indebted to him or them in the Sum of Ten Pounds or upwards; and shall also prove by one or more Witness or Witnesses, to the Satisfaction of the Judge to whom such Application shall have been made, that such Debtor or Debtors, did after the ninth Day of July, in the Year One Thousand Seven Hundred and Seventy-six, remove from Parts of this State out of the Power of the Fleets and Armies of the King of Great-Britain, late Enemies of this State, to some Part thereof within the Power of the said Fleets and Armies, while Enemies as aforesaid; or did during the late War, remain within the Power of the said Fleets and Armies, and who hath or have withdrawn himself or themselves respectively, from this State for Causes of Disaffection or otherwise, that then, in such Case, the said Judge shall, and is hereby authorised to proceed in Manner, as nearly as may be, as is prescribed and directed in and by the aforesaid Act, entitled, "An Act for Relief against absconding and absent Debtors," passed the 3d Day of April, 1775;

And whereas many Persons who have injured, destroyed or occupied the real or personal Estates of such Inhabitants of this State described in "An Act for granting a more effectual Relief in Cases of certain Trespasses," have withdrawn themselves from this State, leaving considerable Property within the same.

Reciting that many Persons who have withdrawn as aforesaid, have injured or occupied the Property of Citizens.

II. Be it therefore enacted by the Authority aforesaid, That it shall and may be lawful, to and for any Person or Persons who are or were Inhabitants of this State, and who, by Reason of the Invasion of this State by the Troops of the King of Great-Britain, left his, her, or their Places of Abode; and who have not voluntarily put themselves respectively, in the Power of the said Troops since they respectively left their Places of Abode, his, her, or their Heirs, Executors, or Administrators, after issuing Process

Remedy for Persons whose Property has been injured or occupied, against Persons who have withdrawn as aforesaid.

out

out of any Court of Record in this State, in the usual Form against any Person or Persons who have occupied, injured, or destroyed his, her, or their Estates, real or personal, in the Power of the Troops of the King of Great-Britain aforesaid, his, her, or their Heirs, Executors, or Administrators; and after the Defendant or Defendants named in such Process, shall have been returned, by the Officer to whom the same was directed, not found, to file a Declaration against such Defendant or Defendants in such Court of Record from which such Process issued; and that the Plaintiff or Plaintiffs, shall thereupon and within ten Days after the expiration of the Term in which such Process shall be returnable, cause a Publication to be made in one of the public News-papers printed in this State, for the Space of ten Weeks successively, setting forth that such Process hath been issued and Declaration filed, and that unless such Defendant or Defendants shall enter his, her, or their Appearance in such Action within six Months from the Date of such Publication, a Judgment will be entered against him, her, or them, in such Action: That if such Defendant or Defendants shall not appear within the Time in and by such Publication limited, the Court shall grant an Interlocutory Judgment against the Defendant or Defendants, and thereupon a Writ of Inquiry shall be granted to ascertain the Quantum of the Plaintiff's Demands, and on the Return thereof final Judgment shall be entered for the Sum found in the Inquisition with Costs, in such Manner and Form, and such further Proceedings shall be had thereon as if such Defendant or Defendants had entered his, her, or their Appearance on the Return of the Process issued against him, her, or them.

Provided always, That no Execution on a Judgment to be obtained in the Mode prescribed by this Act shall be levied on any Ship or other Vessel, or the Cargoes thereof respectively, nor on any Property forfeited to the People of this State.

Provide. No Execution to be levied on any Ship or Cargo, or forfeited Property.

And whereas the Intent of the Person or Persons bringing such Suit may be to satisfy such Judgment out of the personal Property, Monies, Goods, or Chattels, of such Defendant or Defendants in the Hands

Preamble.

Hands of Persons now remaining within this State;

Plaintiff to notify the Person in whose Hands Property may be, &c.

III. Be it therefore enacted by the Authority aforesaid, That it shall and may be lawful for every Plaintiff in such Suit to notify, in the presence of two Witnesses, the Person or Persons in whose Hands he shall conceive such personal Property to be, of the bringing of the Suit and his Design, that the Judgment to be obtained shall be satisfied out of the personal Property of the said Defendant or Defendants in the said Person's Hands, and request his, her, or their Certificate or Oath in Writing of the Particulars or Amount of the same, which shall be filed with the Declaration. And if on the final Judgment the same shall not be found, or if such Persons respectively shall refuse to give such Certificate as aforesaid, it shall be lawful for the Court in which such Suit shall be commenced, to bring such Person or Persons into Court by Attachment to examine them on Interrogatories, and to commit them without Bail or Mainprize until they comply with such Rule or Order as the said Court in their Wisdom shall think just and equitable.

In what Manner Court may proceed.

Surplus of Money in Trustees Hands, appointed in Virtue of this Act, &c. to be paid into the Treasury of the State.

IV. And be it further enacted by the Authority aforesaid, That the Surplus of any Monies which may be in the Hands of any Trustees to be appointed in Pursuance of this Act, after Payment made to the Creditor or Creditors of any such Debtor or Debtors as aforesaid, by the Sale of whose Estate such Monies shall so come into the Hands of such Trustees as aforesaid, and the Surplus of any Monies which may be in the Hands of any Sheriff after paying and satisfying the Sum or Sums levied for by Virtue of any Execution or Executions, whereby such Monies so come into the Hands of such Sheriff shall be by them respectively paid into the Treasury of this State, and be by the Treasurer paid to the Debtor or Debtors, Defendant or Defendants, or their respective Attornies or legal Representatives, whenever they shall respectively apply for the same.

And by him paid to the Debtor or Attorney.

Remedy for Citizens to recover Damages for destroyed Property.

V. Be it further enacted by the Authority aforesaid, That every Citizen of this State whose Estate real or personal, has been injured, destroyed or occupied by

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by any such Person or Persons who have so withdrawn themselves from this State respectively, may have the like Remedy for recovering the Damages so sustained by such Injury, Destruction or Occupancy during the late War, as is given by this Act to the Persons deseribed in and by the said Act last recited.

And whereas, by an Act, entitled, "An Act relative to Debts due to Persons within the Enemy's Lines," passed the twelfth Day of July, One Thousand Seven Hundred and Eighty-two, certain Suits and Prosecutions therein mentioned, which were already commenced, or might be thereafter commenced, shall be staid until the Legislature should make further Provision in the Premises.

Preamble.
Ante Page 95.

VI. *Be it therefore enacted by the Authority aforesaid*, That the Necessity of staying such Suits as aforesaid, does no longer exist; but that the said Act, entitled, "An Act relative to Debts due to Persons within the Enemy's Lines," shall and is hereby declared to be in full Force and Operation according to the true Intent and Meaning thereof; except so far as respects the staying of such Suits.

Act relative to certain Debts, &c. no longer stayed, except in certain Cases.

And whereas, There appears to be an Omission of the Words *to any Person* in the first enacting Clause of the aforesaid Act.

Reciting an Omission of Words in an Act herein mentioned.

VII. *Be it therefore further enacted by the Authority aforesaid*, That the Words *to any Person* shall be and hereby are declared to be inserted between the Words, "Due by or from any Person not within the Enemy's Power or Lines," and the Words "that has remained with," in the said first enacting clause of the said Act, entitled, "An Act relative to Debts due to Persons within the Enemy's Lines."

The said Words shall be inserted.

And whereas, it is provided in and by the said last mentioned Act, that nothing therein contained should be construed to extend to any Person, that theretofore had been, then was, or thereafter should be a Prisoner with the Enemy.

R

VIII. B.

To whom the Benefit of this Act extends.

VIII. *Be it therefore further enacted by the Authority aforesaid, That the Benefit of the said Act, shall be extended to all such Persons as are described in the said Proviso, except with respect to Debts which such Persons may have contracted whilst in Captivity at any Time during the late War.*

This Act is a Device to sequester the Estates of British Officers and Friends, though absent, by placing Torts on the footing of Debts, and considering the Absentee, though banished, as a voluntary absconding Debtor. And, in Violation of the Treaty, makes the Estates of the Loyalists liable, for the meer occupation of Possessions, vacant or acquired by the King's Arms, Jure Gentium.

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L A W S,

Affecting the Trade of Great-Britain, by imposing Duties on British Goods imported in British Bottoms—Prejudicial to British Creditors; and *subjecting British Merchants* with others, resident in the Southern District of the State, to the payment of enormous Taxes imposed under pretext, that the same were an equivalent for Taxes not levied in that Quarter during the War.

C H A P. VII.

An Act imposing Duties on certain Goods, Wares, and Merchandize, imported into this State. Passed the 18th of November, 1784.

I. *BE* it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the Authority of the same, That from and after the passing of this Act, all such Goods, Wares and Merchandize, as are herein after enumerated and mentioned, which shall be imported or brought into the State by Land or Water, shall be subject to the Duties and Imposts herein after mentioned; that is to say, Every Gallon of Madeira Wine, Six-pence; every Gallon of Wine, of any Kind or Quality, Three-pence; every Dozen of Bottles of Wine, of any Quality, One Shilling; every Gallon of Rum, Brandy, or other distilled spirituous Liquors, imported in Ships or Vessels, owned by Citizens of this, or of any of the United States, Two-pence; every Gallon of Rum, Brandy,

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Goods, Wares, and Merchandize herein enumerated, subject to a specific Duty.

By the Act of the 15th March, 17^c, this Act is much altered, and double Duties imposed.

or

Goods imported in
British Ships.

or other distilled spirituous Liquors, imported into this State, in Vessels having British Registers, Four-pence; every Pound of Bohea Tea, Three-pence, and for all Teas of a superior Quality, Ten per Cent, ad Valorem; every Pound of Coffee, One Penny; every Pound of Loaf-Sugar, Three-pence; and after the first Day of March next, Five-pence; and the following enumerated Articles, imported from Europe, shall be subject to the Duties herein after mentioned, viz. Every Pound of Snuff, One Shilling; every Coach or Chariot, Twenty Pounds; every other four-wheeled Carriage, Ten Pounds; every Curricule, Chaise, Chair, Ketereen or Sulky, Five Pounds; every Bushel of Malt, Four-pence; every Gallon of Porter, Ale, Beer or Cyder, Six-pence; every Dozen of Bottles of Porter, Ale, Beer or Cyder, One Shilling; every Pound of Cheese, Two-pence; every Ounce of wrought Plate, One Shilling; every Ounce of wrought Gold, Four Shillings; every Clock, Twenty Shillings; every Gold Watch, Twenty-four Shillings; every other Watch, Eight Shillings; every Hundred Weight of hollow Iron-Ware, Four Shillings; every Dozen of Scythes or Axes, Twelve Shillings; every Saddle, Eight Shillings; every Pair of Man's or Woman's Leather or Stuff Shoes, Six-pence; every Pair of Woman's Silk Shoes, One Shilling; every Pair of Boots, Two Shillings; every Pound of Starch or Hair-Powder, Four-pence; every Gallon of Linseed Oil, Six-pence; every Pound of dressed or tanned Leather, Four-pence; every Dozen of Packs of Playing Cards, Three Shillings; white Rope, Twine, manufactured Copper, Tin, Brass, Pipes, Beef, Pork, Butter, Candles, Soap, Anchors, Bar Iron, Hats, Raisins, Prunes, Figs and Currants, Five per Cent. ad valorem; Cordage, either from Europe or any of the United States, or elsewhere, Four Shillings per Hundred Weight; Chocolate, Two pence per Pound, and all other Goods, Wares and Merchandize, not herein before enumerated, of Foreign Growth or Manufacture, the Sum of Two Pounds Ten Shillings, for every Hundred Pounds Value, prime Cost, and after that Rate for a great or less Quantity, excepting Cocoa, raw Hides, Molasses, Coals, Bricks, Pantiles, unmanufactured Tin

Goods subject to
Duty of five per Cent.

And others, 2l. 10s
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Exceptions.

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Tin in Blocks, Mahogany, Logwood, Lignum Vitz, Nicaragua Wood, Red Wood, Fustick, and all other dye Woods, Copper in Sheets, Whale and Fish Oil, Whale Bone, Beaver, Peltry, Furs, Deer-Skins, Sheeps-Wool, Cotton-Wool, Woad, Madder, Cochineal, Rocou, Salt, Bees-Wax, Elephants Teeth, and all other Goods, Wares and Merchandize, of the Growth, Product, or Manufacture of the United States of America, or any of them.

C H A P. XXXIV.

An Act to explain and amend an Act entitled, "An Act imposing Duties on certain Goods, Wares, and Merchandize imported into this State." Passed the 18th of November, 1784. (Passed the 15th of March, 1785.)

WHEREAS Doubts have arisen on the first Section of the before mentioned Act whether the like Duty on every Gallon of Rum, Brandy, or other distilled Spirituous Liquors imported into this State in foreign Vessels, except British, should be collected and paid, as by the said Act are imposed on the like Articles imported by Citizens of this State, or of any of the United States.

Preamble.

1. Be it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the Authority of the same, That every Gallon of Rum, Brandy, or other distilled Spirituous Liquors brought into this State in any foreign Vessel, except British, shall be subject to the like Duties as by the said Act are imposed on Rum, Brandy, or other distilled Spirituous Liquors imported by Citizens of this or any of the United States.

Spirituous Liquors imported in foreign Vessels, except British, subject to a like Duty with those imported by Citizens of this or any of the United States.

And whereas the Importation of Goods into this State in Vessels Built therein and owned by Citizens thereof ought to be encouraged.

Preamble to the following Clause.

II. *Be*

All Goods subject to a Duty by a certain Act herein mentioned, and brought in British Vessels, subject to a double Duty.

II. Be it enacted by the Authority aforesaid, That from and after the first Day of July next, all Goods, Wares, and Merchandize, subject to a Duty by the first Section of the Act, entitled, 'An Act imposing Duties on Goods, Wares, and Merchandize imported into this State,' passed 18th November, 1784, which shall be brought in any British Ship or Vessel, or in any Ship or Vessel owned in the whole or in part by any British Subject or Subjects, arriving at or coming into any of the Ports or Harbours of this State with or without British Registers, shall be subject to double the Duties laid on Goods, Wares, and Merchandize, imported in any other Ship or Vessel.

All Pewter hollow Ware after a certain Day, subject to a Duty of Five per Cent, and if imported in British Vessels, to a Duty of Ten per Cent.

III. And be it enacted by the Authority aforesaid, That from and after the first Day of July next, all Pewter hollow Ware which shall be imported or brought into this State shall be subject to a Duty of Five per Cent. except the same shall be brought in any British Ship or Vessel aforesaid, in which Case such Pewter hollow Ware shall be subject to a Duty of Ten per Cent. to be collected in the Mode prescribed in and by the Act above-mentioned.

Every Set of Harness imported into this State, subject to a Duty.

IV. And be it enacted by the Authority aforesaid, That every Set of Harness for two Horses, which shall be imported into this State from beyond Sea, shall be subject to a Duty of Five Pounds; and every Harness for a single Horse, to a Duty of Two Pounds Ten Shillings, to be collected in Manner aforesaid.

All Ships built by Foreigners in this State, to be privileged as if owned by Citizens.

V. And be it further enacted by the Authority aforesaid, That all Ships or other Vessels which shall hereafter be built in this State by or for any Foreigner, and rigged with Cordage of the Growth and Manufacture of any of the United States, shall be entitled to the same Privileges as if owned by Citizens of this or any of the United States, on Proof being made to the Satisfaction of the Collector of the Customs; and that no higher or other Duties or Fees shall be paid on the Goods, Wares, and Merchandize brought into this State in such Ships or Vessels, than is paid by the Citizens of this or any of the United States.

And no higher Duties to be paid on Goods, &c. than is paid by Citizens.

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VI. And be it enacted by the Authority aforesaid, That from and after the first Day of July next, all Goods, Wares, and Merchandize, other than the Produce and Manufacture of any of the United States, imported into this State from the States of Rhode-Island, Connecticut, New-Jersey, and Pennsylvania, shall be subject to the like Duties as are by this Act imposed on all Goods, Wares, and Merchandize imported into this State after the said first Day of July, in any British Ship or Vessel, or any Ship or Vessel owned by any British Subject or Subjects, unless it shall be proved to the Satisfaction of the Collector, that such Goods, Wares, and Merchandize were not brought into either of the said States in any British Ship or Vessel, or any Ship or Vessel owned in the whole or in part by any British Subject or Subjects.

All Goods, except such as are the Produce of the United States, imported from certain of the United States into this State, subject to the like Duty as those imported in British Vessels.

Unless it be proved they were not imported into the said States in any British Vessel.

VII. And be it further enacted by the Authority aforesaid, That when any Goods, Wares, or Merchandize shall be landed, put on Shore, or removed from on board of any Ship or Vessel, by any Merchant, Factor, or other Person or Persons, before he or they shall have duly entered the same with the Collector, such Goods, Wares, or Merchandize shall be subject to be seized by the Surveyor and Searcher, the respective Tide-waiters, Gaugers, and Weigh-masters of the Customs, who are respectively hereby authorized and required to seize the same; and that the same shall and may be proceeded against and disposed of in the Manner directed in and by the said Act, entitled, 'An Act imposing Duties on certain Goods, Wares, and Merchandize imported into this State.'

All Goods landed before Entry, liable to be seized by the Surveyor & Searcher.

Provided, That it shall not be lawful for any of the Persons aforesaid to seize any Goods, Wares, or Merchandize Subject to seizure after the same have been landed and Stored, unless by a Warrant first had and obtained for that Purpose, as in and by the said Act directed: *And provided also,* That this Clause shall not be construed to extend to any Goods, Wares, or Merchandize imported in any Ship or Vessel driven into Port by Distress, as mentioned in the twenty-ninth Section of the Act aforesaid.

Provido, that such Goods so landed shall not be seized without a Warrant first had and obtained for the Purpose; and provided further, that it shall not extend to Vessels driven into Port in Distress.

The

The Council of Revision objected to this Act becoming a Law of the State. See Appendix, No. 3.

C H A P. LXVIII.

An Act granting a Bounty on Hemp to be raised within this State, and imposing an additional Duty on sundry Articles of Merchandize, and for other Purposes therein mentioned. Passed the 12th of April, 1785.

Additional Duties
laid on Articles herein
enumerated,

IV *BE it enacted by the Authority aforesaid, That* an additional Duty be laid on the enumerated Articles following that shall be brought into this State by Land or Water after the first Day of November next, that the Amount of such Duty be applied towards the Payment of the Bounty given by this Act on Hemp to be raised in this State, that is to say, for every Hundred Weight of foreign Cordage Four Shillings; for every Hundred Weight of foreign white Rope or Yarns, Four Shillings; for every Hundred Weight of foreign Hemp, Two Shillings; for every Gallon of foreign Linseed Oil, Fourpence; for every Pair of Shoes, Sixpence; and for every Pair of Boots, Two Shillings; to be collected and paid as is directed by an Act, entitled, "An Act imposing Duties on certain Goods, Wares, and Merchandize imported into this State," passed 18th November, 1784.

Goods imported by
a Foreigner, and not
consigned to a Citizen,
subject to a Duty of
One and an Half per
Cent. more than Goods
imported by Citizens.

V. *And be it enacted by the Authority aforesaid, That* all Goods, Wares, and Merchandize, brought or imported into this State by any Foreigner, and not consigned to a Citizen of this State, shall be subject to pay One and a Half per Cent. more than such Goods, Wares, or Merchandize, imported by the Citizens of this State, or of any of the United States; which additional Duty of One and an Half per Cent. shall be collected and paid as is directed by the preceding Clause.

C H A P. XXXIV.

An Act for the Relief of insolvent Debtors within this State. Passed the 17th April, 1784.

I. BE it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the Authority of the same, That it shall and may be lawful to and for the respective Debtors, who, at the Time of passing this Act, shall be confined in any of the Prisons of this State, to present a Petition to the Court, out of which any Process against them respectively, shall have issued, and upon which he or she is imprisoned, or to any one or more of the Judges of such Court, specifying the Cause or Causes of his or her Imprisonment, and exhibiting an Account and Inventory of his or her whole real and personal Estate, and of the Securities relating to the same; which Petition, with the said Account and Inventory, shall be lodged with the Clerk of the said Court, for the Inspection of the Creditors of such Debtors respectively; and after such Petition presented, an Account and Inventory filed, such Prisoners shall respectively publish Advertisements in one or more of the public News-papers of this State, for three Weeks successively, notifying his or her Creditors, that he or she intends to apply to the said Court, or to any one or more of the Judges thereof, who shall attend at a certain Day, not less than four Weeks from the Publication of such Advertisements respectively, to be discharged according to the Prayer of his or her said Petition, at which Day the said Court or the said Judge or Judges may, and are hereby required by Precept, under his or their Hand or Hands and Seal or Seals, directed to the Sheriff, Gaoler, or Officers, having the Custody of such Prisoner or Prisoners respectively, to require him, her, or them, to be brought up before such Court, or such Judge or Judges; and the said Court, or Judge or Judges may then administer to such Debtor, the following Oath or Affirmation, to wit,

To whom Debtors are to petition and exhibit an Account and Inventory of the Estates, &c.

Notification to Creditors.

“ I ——— do solemnly swear, or if of the People called Quakers, affirm, that the Account by me
S filed, Court or Judges to administer an Oath to Debtors.

filed in the Office of the Clerk of the Supreme Court (or in the Office of the Clerk of the Mayor's Court of the City of ——— or of the County of ——— as the Case may be) is a just and true Account of all my Creditors, and of the Monies owing to them respectively by me, to the best of my Knowledge and Remembrance; and that the Inventory and Account by me filed in the said Clerk's Office; is a just and true Account of all my Estate, real and personal, both in Law and Equity, either in Possession, Reversion, or Remainder; and that I have not directly or indirectly sold, leased, assigned, or otherwise disposed of or made over, either in Trust for myself or otherwise, except as set forth in the same Account and Inventory, any Part of my Estate, real or personal for my further Benefit, or in Order to defraud my Creditors. So HELP ME GOD."

When a future Day may be appointed for hearing the Parties.

Which Oath or Affirmation being taken, if the Truth thereof shall be denied or controverted by any of the Creditors, the said Court, or Judge or Judges may appoint some further Day for hearing the Parties, as well Debtor as Creditors, and upon such further Hearing, may, in their Discretion, either remand the said Debtor, or proceed to a Discharge as if no such further Hearing had been required; but if the said Oath or Affirmation shall not be controverted or denied, then the said Court, or Judge or Judges, may immediately order the Lands, Goods, Chattels, and Effects, in such Accounts and Inventory specified, the necessary wearing Apparel and Bedding of the said Debtor, and of his Wife and Children and Family immediately under her Care excepted, to be a proper and legal Assignment, Release, and Conveyance, in due Form of Law to be executed by the said insolvent Debtor, assigned, released, and conveyed to the said Creditors, or to one or more of them, or to some other Person or Persons to be appointed by the said Court, or Judge or Judges respectively, in Trust for all the Creditors of the Insolvent, and by Virtue of such Assignment, the Estate thereby transferred shall actually vest in, and be taken in Possession by the said Assignee or Assignees, according to the Purport of such Assignment, and shall be converted into Money, and

Insolvent's Estates to be assigned to Creditors.

and divided by the Assignee or Assignees from Time to Time, among all the Creditors in Proportion to their respective Debts, after six Months previous Notice published in one of the public News-papers of this State, of such Assignment, and requiring all the Creditors to produce to the Assignee or Assignees, their several Securities or Accounts; and if any Part of the Debtor's Estate, shall be in Possession of any other Person or Persons, the same shall be recoverable in the Name or Names of such Assignee or Assignees, who are hereby fully authorized to dispose of and execute good and sufficient Deeds for the same, or any Part thereof, and to divide and distribute as well the Monies thence arising, as such other Monies which shall come into their Hands by Virtue of this Act, among the Creditors of the said Debtors respectively, in Proportion to their respective Debts or Sums due according to the true Intent and Meaning of this Act; and a Release from the Insolvent shall be no Bar to any Suit or Action, which at any Time may be prosecuted by such Assignee or Assignees; and immediately upon such Assignment being made, the said Prisoner or Prisoners shall, by Order of the said Court, or Judge or Judges, be discharged out of the Custody, and such Order shall be a sufficient Warrant to the Sheriff, Gaoler or Keeper of such Prison, to discharge such Prisoner or Prisoners, if detained for no other Cause or Causes than those mentioned or referred to in such, his or their Petition, and the Sheriff, Gaoler or Keeper of the Prison respectively, are required forthwith to discharge and set him, her, or them, at Liberty, without Fee; and, upon such Discharge, the said Debtor shall be finally released from all Debts contracted, and all judgments obtained before that Time, so far as they affect his or her Imprisonment, or his, her, or their personal Property, and shall not be liable to be sued or arrested, or to have their Lands or Tenements, Goods or Chattels, which they shall thereafter inherit or acquire, seized by Virtue in Consequence thereof, and every Person who shall be convicted of wilful false swearing in any Matter or Article contained in the said Oath, shall be, and shall be deemed and adjudged guilty of wilful and corrupt Perjury, and suffer the Pains and Penalties in such Cases by Law inflicted.

Division to be made by Assignee or Assignees.

Prisoners where and how to be discharged.

Penalty on swearing falsely.

Where Debtors or civil Officers being sued, may plead the General Issue, &c.

II. *And be it further enacted by the Authority* *aforesaid*, That if any of the said Debtors shall be sued for any Debts accrued before the Passing of this Act, or if any Judge or other Officer shall be sued for any Thing done in Pursuance and under the Authority of this Act, such Defendant may plead the General Issue, and give this Act and the Special Matter in Evidence.

Public Act.

III. *And be it further enacted by the Authority* *aforesaid*, That this Act may be pleaded in all and every the Courts within this State.

C H A P. XIV.

An Act to revive and amend an Act entitled, "An Act for the Relief of Insolvent Debtors, within this State. Passed 17th April, 1784. Passed 24th November, 1784.

This Act extended to all Debtors now in Gaol.

I. *B E it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the Authority of the same*, That the Act, entitled, "An Act for the Relief of Insolvent Debtors, within this State, passed the 17th April, 1784, shall be, and is hereby revived, and that the same shall, and is hereby declared to extend to the respective Debtors, who, at the Time of the passing of this Act, shall be actually confined in any of the Gaols or Prisons of this State.

Assignees of Debtors to take an Oath to perform their Trust.

II. *And be it further enacted by the Authority* *aforesaid*, That the Assignee or Assignees to be appointed in Pursuance of the Act hereby revived, and of this Act and every of them, shall within three Months after such Assignment, as in the said revived Act is specified, of the Insolvent Debtor's Estate, shall have been made and executed, appear before one of the Judges of the Supreme Court, or one of the Judges of the Inferior Court of Common-Pleas, of the County where such Debtor shall

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shall have been imprisoned, and take an Oath, (or if of the People called Quakers, an Affirmation) justly, truly, faithfully, and impartially, without any Favour or Affection, to perform, do, and execute the Trust reposed in him or them, by Virtue of this Act, for the best Benefit and Advantage of all and every of the Creditors of the said Insolvent Debtor; and that he or they, the said Assignee or Assignees, shall and will, within one Month after he or they shall have made any Division among the Creditors of the Insolvent Debtor, exhibit and file in the Office of the Clerk of the County, where such Debtor shall have been confined, a List or Inventory of the Estate or Monies so divided, as aforesaid.

III. *And be it further enacted by the Authority aforesaid,* That the said Assignee or Assignees shall, within one Month after the Expiration of six Months Notice, directed by the Act hereby revived, proceed to, and make a Division as aforesaid; and in Case the whole of the said Insolvent Debtor's Estate shall not then be converted into Money, that then and in such Case the said Assignee or Assignees shall proceed with all convenient Dispatch to convert the Residue of the said Insolvent Debtor's Estate into Money, and within two Months after such first Division as aforesaid, shall proceed to another Division of the Residue, giving at least one Month previous Notice of such second Division, in one or more of the public News-papers, printed in this State, and so as often as shall be necessary, until the whole of the said Insolvent Debtor's Estate be converted into Money, and divided among the Creditors as aforesaid.

And after Notice, to make a Division of the Estate.

After first Division, when to make a second, &c.

IV. *And be it further enacted by the Authority aforesaid,* That no Person or Persons shall or may be appointed an Assignee or Assignees, unless he or they shall be a good and sufficient Freeholder or Freeholders of one of the Counties in this State.

No Person to be Assignee, unless a Freeholder

V. *And be it further enacted by the Authority aforesaid,* That in Case any Assignee or Assignees, that shall be appointed by Virtue of this Act, and shall accept of such Appointment, shall neglect or refuse

Assignee neglecting to convert such Estate into Money, subject to a Forfeiture.

To be recovered
with Costs, &c. and
how divided.

refuse to convert the whole, or any Part of the said Insolvent Debtor's Estate into Money, that then, and in every such Case, such Assignee or Assignees so neglecting or refusing, shall forfeit and be liable to pay a Sum or Penalty equal to the Value of the Estate which he or they shall so neglect or refuse to convert into Money as aforesaid, to be recovered with Costs, by any of the Creditors of the said Insolvent Debtor, in an Action of Debt, or upon the Case in any Court of Record in this State, and by such Creditor or Creditors so having recovered the same, be paid and divided among all the Creditors of the said Insolvent Debtor, in such Manner and Form as a Division is herein before directed to be made by an Assignee or Assignees.

A Bond to be given
to prosecute and divide

VI. *And be it further enacted by the Authority aforesaid,* That no Creditor shall or may prosecute or recover against any such Assignee or Assignees as aforesaid, until such Creditor shall previously have entered into a Bond, payable to the other Creditors, or the major Part of them, with at least one sufficient Surety, being a sufficient Freeholder, in such Penalty as the Court, or any of the Judges of the Court, by whose Process such Insolvent Debtor shall have been confined in Gaol as aforesaid, shall order, with a Condition, well and faithfully to prosecute for the said Forfeiture or Sum, so to be recovered, and to make such Division as aforesaid.

Assignees refusing
to make a Dividend,
may be prosecuted by
the Creditors.

VII. *And be it further enacted by the Authority aforesaid,* That in Case any Assignee or Assignees, that shall be appointed by Virtue of this Act, shall neglect or refuse to make a Division or Divisions of any Monies by him or them received for the Use or Benefit of any Creditor or Creditors, such Assignee or Assignees shall be liable to pay the said Monies by him or them received, to be recovered with Costs, by any or every of the Creditors, in any Court of Record in this State.

Petition, Inventory,
&c. of a Debtor, how
to be filed.

VIII. *And be it further enacted by the Authority aforesaid,* That the Petition, Account, Inventory, Depositions, Assignment, and Warrant of Discharge of each Insolvent Debtor who shall be discharged in Pursuance of this Act, shall be filed in the Clerk's Office

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Office of the Court out of which the Process issued, whereby such Insolvent Debtor shall have been imprisoned, except where the Discharge shall be made by any Justice of the Peace upon any Process issued by him, that in such Case the Petition, Account, Inventory, Depositions, Assignment, and Warrant of Discharge shall be filed with the said Justice.

IX. *And be it further enacted by the Authority aforesaid*, That no Person shall be entitled to a Discharge by Virtue of this Act, unless one or more Person or Persons shall declare before the Court or Judge to whom the said Petition shall be presented, that he or they are willing to accept of such Appointment, and to perform the Duties required of him or them by this Act, or unless a Certificate of such Acceptance under the Hand and Seal of such Assignee or Assignees, shall be previously produced to such Court or Judge, and proved before such Court or Judge by at least one credible Witness.

No Person to be discharged, unless the Acceptance of Assignees be proved before the Court.

X. *And be it further enacted by the Authority aforesaid*, That this Act shall extend to William Mead, of the Town of Schenectady, in the County of Albany; Robert Gordon, late of Schenectady, in the County of Albany; Isaac Burton, of Amenia Precinct, in Dutchess County; Christopher Codwise, Christopher Bancker, Archibald Kerley and Frederick N. Sander, respectively of the City of New-York; James Blackwell, of Blackwell's Island; and Duncan Mc. Dougall, of the County of Albany, although they are not in actual Confinement in any Gaol or Prison within this State; and that the Proceedings and Discharge, with respect to each of them, shall be had in the like Manner, and have the like Effect as if they were in actual Confinement at the Time of the passing of this Act. *Provided always*, That none of the Debtors herein particularly named, shall be entitled to Relief from the present Act, unless so many of the Creditors, other than Mortgagees, whose Debts shall amount to two-third Parts of the whole Monies owing by such Debtor (Debts secured by Mortgage or Mortgages excepted) shall certify to such Judge

This Act extended to Persons herein named, not in actual Confinement.

Proviso. That two Thirds of the Creditors consent to the same.

or

or Judges, their Consent, that such Debtor shall have the Benefit of this Act.

Assignees to exhibit to the Judges an Account of Disbursements, who are authorized to allow the same.

XI. *And be it further enacted by the Authority aforesaid,* That the Assignee or Assignees to be appointed by Virtue of this Act, may, as often as may be necessary, exhibit to the Judge or Judges, who shall make such Appointment, his or their Accounts of all Disbursements made by the said Assignee or Assignees, in transacting the Business relative to the Estate of such Insolvent Debtor or Debtors, and the said Judge or Judges to whom such Account shall be exhibited, is, and are hereby authorized to allow the same, and to make such further Allowances to the said Assignee or Assignees, as the said Judge or Judges may deem reasonable, and shall certify and tax for the Trouble and Time expended in the Business, relative to the Estate of such Insolvent Debtor or Debtors; as it shall be lawful for the said Assignee or Assignees to retain such Monies in his or their Hands, before any Division of such Debtor's Estate shall be made as aforesaid.

No Commissary or Quarter-master, to be discharged, until he proves a Settlement of his public Accounts.

XII. *And be it further enacted by the Authority aforesaid,* That no Person who has been employed in any public Department, and Quarter-master, Commissary, or Purchaser, either under the United States, or under this State, shall be discharged by Virtue of this Act, unless he proves to the Satisfaction of the Judge or Judges, to whom he shall apply for such his Discharge, that his public Accounts are settled.

These Acts afford to Insolvent Debtors, an Asylum from their Creditors, for they are discharged upon a Three-Weeks News-paper, Notice, without any possibility of the distant Creditors being heard.

The Persons on whom the Burthen of the following Law rests, are those who resided in the southern District during the War, and prior to the 1st Day of March, 1783; including British Merchants and others, who, on the Faith of the Definitive Treaty of Peace, remained therein after the Evacuation thereof by His Majesty's Troops.

As these Persons were disqualified from voting at Elections for Representatives without *abjuring their lawful Sovereign*, and swearing Allegiance to the State, as directed in a Law, passed the 26th March, 1781, (Ante, Page 90.) it is highly improbable they should have invited this enormous Tax, when the Persons exempted from the Payment of any Part of it, *only* were represented.

The Council of Revision objected to this Law.—See Appendix, No. 4.

C H A P. LVIII.

An Act for raising £100,000. within the several Counties therein mentioned. Passed May the 6th, 1784.

WHEREAS the several Counties in the middle Western and Eastern Districts of this State, and a Part of the County of Westchester have sustained many and heavy Burthens and Expences, in prosecuting the late War between these States and the King of Great-Britain.

Preamble. Reciting that heavy Burthens have been sustained by Part of the State, in Support of the War.

T

And

And who ought to
bear Part of Expens-
ces.

And whereas it is just and equitable, that all who participate in the Blessings derived from the Freedom and Independence which this State now happily enjoys, should contribute in the Burthens and Expence whereby the same was obtained.

£100,000. deemed
a Compensation for
the Southern District.

And whereas the Citizens of the Southern District of this State, impressed with a just Sense of the Exertions and Sufferings of their Brethren in the other Districts, have by their Representatives declared their Readiness to afford a Testimonial of the Sense they have of the Exertions and Suffering aforesaid, and it being conceived by this Legislature, that, if the Sum of One Hundred Thousand Pounds should be raised in the said Southern District, it would be such a Compensation to the other Districts as would prove satisfactory to the Citizens thereof, and that no future Compensation would be required from the Southern District: And it being the Intention of this Legislature, that on all future Occasions where Burthens are to be borne by the Citizens of this State, each County shall be charged with a Proportion according to the relative Value of such County to the Whole.

Quota of different
Counties in said Dis-
trict.

I. Be it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the Authority of the same, That there shall be raised within the City and County of New-York, the Counties of Suffolk, Kings, Queens, and Richmond, and that Part of Westchester County herein after described, the Sum of One Hundred Thousand Pounds; that the Quota of the City and County of New-York of the said Sum, shall be Fifty-six Thousand Pounds; the Quota of the County of Suffolk, Ten Thousand Pounds; the Quota of Kings County, Thirteen Thousand Pounds; the Quota of Queens County, Fourteen Thousand Pounds; the Quota of the County of Richmond, Five Thousand Pounds; and the Quota of that Part of the County of Westchester comprised in the Bounds of the Borough and Town of Westchester, the Township of East-Chester, the Yonkers, Manor of Pelham, New-Rochelle, Mamaroneck and Scarfedale, shall be Two Thousand Pounds.

II. *And*

II. *And be it further enacted by the Authority aforesaid*, That the Mayor, Recorder and Aldermen, of the City and County of New-York, or the major Part of them for the Time being, shall meet and assemble at the City-Hall of the said City, within ten Days after the passing of this Act, and then and there issue their Warrants to the several Assessors of the said City and County, to take a true and exact Account of all the Estates real and personal of all the Freeholders, Residents and Inhabitants, within the several Wards of the said City and County (and liable to be assessed by this Act) for which they at the Time of issuing such Warrants shall be Assessor or Assessors, and true, equal, and impartial Assessments to make, and at such Day to be therein prefixed, not more than fifteen Days after the Time of issuing such Warrants, to the said Mayor, Recorder and Aldermen, or the major Part of them to exhibit: And when the said Assessments shall, by the said Assessors, be compleated, and a full Account of the same, made and cast up according to the pound Value of the Estates of Persons, by this Act liable to be assessed, then the said Mayor, Recorder, and Aldermen, or the major Part of them, shall issue their Warrants to the several and respective Collectors in the City and County (within fifteen Days after the Day on which such Assessments to be laid by the Assessors of the respective Wards as aforesaid shall have been exhibited) to collect the Monies so assessed, and pay the same from Time to Time to the Treasurer of this State, never retaining in the Hands of any such Collector, more than the Sum of Five Hundred Pounds, and so that the Whole of the Monies to be raised in the said City and County, be paid to the said Treasurer of this State, on or before the first Day of August next.

How an Account of Inhabitants Estates to be taken.

When and how to be assessed.

Assessments being made, how Warrants to be issued to Collectors, and Monies collected.

And paid to the Treasurer, by 1st of August next.

III. *And be it further enacted by the Authority aforesaid*, That each of the Assessors of the said City and County of New-York, shall, before he enters on the Performance of the Duties require of him by this Act, take an Oath before the said Mayor, Recorder, and Aldermen, or the major Part of them, in the Words following, viz.

Assessors to take an Oath before they proceed to assess.

Form of such Oath.

" I ——— do solemnly swear and declare, that I will well, truly, equally, and impartially, in due Proportion, according to the best of my Skill, Knowledge, and Understanding, assess and rate the Freeholders, Residents, and Inhabitants of the Ward for which I am Assessor, who are liable to be rated and assessed in Pursuance of the Law, entitled, " An Act for the raising the Sum of One Hundred Thousand Pounds within the several Counties therein mentioned, agreeable to the Directions of the said Law." Which Oath the said Mayor, Recorder, and Aldermen, or the major Part of them are hereby empowered, required, and directed to administer.

To be taken before Mayor, Recorder, &c.

Gold and Silver only to be taken in Payment, and on Refusal to pay it, to levy by Distress, &c.

V. And be it further enacted by the Authority aforesaid, That Gold and Silver Coins only shall be received in Payment for the said Rate.—That if any of the Persons so rated, shall neglect or refuse to pay the Rate imposed on them, the Collector shall levy the same by Distress and Sale of the Goods and Chattels of the Persons so refusing or neglecting; that where Distress and Sale shall be made in either of the Cases above-mentioned, the Overplus, after deducting the Charges of such Distress and Sale, shall be returned to the Person by Reason of the Neglect or Refusal of whom such Distress and Sale shall have been made.—That for Want of Goods and Chattels whereon to levy the Rate, the Collector shall be, and is hereby authorized and required to commence a Suit in his own Name, before any Justice of the Peace of the County, and the Justice or Jury shall give a Verdict and Judgment for the Amount of the Sum at which the Defendant shall be so taxed, with Costs, upon the Rate Lists being duly proved to have been signed by the Supervisor or Supervisors or Justice; which is hereby declared to be conclusive Evidence to entitle the Plaintiff to recover; and the Authority and Jurisdiction of such Justice is hereby extended to such Actions, notwithstanding the Sum to be sued for shall exceed the Sum of Ten Pounds: And it shall and may be lawful to and for the Justice giving Judgment as aforesaid, and he is hereby strictly enjoined and required, to award Execution forthwith after such Judgment, any former Law to the Contrary in any Wise notwithstanding, therein directing the Officer to make Return

For Want of Goods, to commence a Suit, before a Justice of Peace,

Whose Authority is extended to all such Actions, &c.

And direct a Return, &c.

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turn of such Execution within ten Days from the Date of the said Execution, and to pay the Amount of the Rate to be paid by the Person against whom such Execution shall have been awarded, to the Collector who sued for the same, within fifteen Days from the Date of such Execution; or if the Person is committed to the Custody of the Sheriff, or cannot be found, to give such Collector a Certificate thereof, which Certificate shall be, by the said Collector, delivered to the Treasurer of the County, and who is hereby directed to credit the said Collector for the Amount of the Rate mentioned in such Certificate—That the Collectors shall be allowed, and are hereby authorized to retain in their Hands, out of the Rates by them collected, Four-pence in the Pound, for their Services in the Execution of this Act, except in the City and County of New-York, where the Collectors respectively shall only retain Two-pence in the Pound—That the County Treasurer shall pay the Monies they shall respectively from Time to Time receive from the Collectors into the Treasury of this State, within fifteen Days next after the Days and Times in which the Collectors, by this Act, are directed and required to pay the same into the County Treasury—That the several County Treasurers shall be allowed and are hereby authorized to retain in their Hands, out of the Monies they shall respectively receive from the Collectors, a Commission of Eight Shillings for every Hundred Pounds, for their Services in receiving the said Monies, and paying the same into the Treasury of this State.

Collectors Allow-
ance for collecting
Rates.

County Treasurer
to pay the Monies to
State Treasurer.

And retain 8s. for
every 100l.

VII. *And be it further enacted by the Authority aforesaid*, That every Person who being an Inhabitant in the Southern District of this State, at the Time of the Invasion thereof by the Troops of the King of Great-Britain, who removed from the said District into any Part of this, or any other of the United States of America, in Consequence of the said Invasion, and whose stated Residence has, from the Time aforesaid until the first Day of March, 1783, been in such Parts of this State, or any other of the United States, not in the Power or Possession of the said Troops, and every other Person whose stated Residence during the late War has been in such

Inhabitants of the
Southern District, not
in the Power of the
Enemy during the
War, exempted from
this Tax.

such Parts of this or any other of the United States, not in the Power or Possession of the said Troops, shall be exempted from paying any Part of the Rate imposed in and by this Act. That it shall and may be lawful to and for the Assessors, and they are hereby required to omit the Names of such Persons respectively, in forming the Assessment-Rolls directed in and by this Act, to be made by such Assessors.

Assessors may summon any Persons before them, to examine them on Oath relative to Personal Property.

On Refusal to appear, such Persons to forfeit 5*l*. for each Offence.

No Person to be questioned concerning his own Property.

Proviso.

By the 7th Section of an Act of the 26th November, 1784, all legal Remedy against any Collector barred.

XXI. And be it further enacted by the Authority aforesaid, That the Assessors or a Majority of them may, by Writing under their Hands, summon any Person actually resident within the City, Town, Manor, District, or Precinct, to appear before them at such Time and such Place within the City, Town, Manor, District, or Precinct, respectively, as they may think proper, to be examined on Oath (or if of the People called Quakers) on Affirmation, which Oath or Affirmation the Assessors, or a Majority of them, are hereby authorised to administer, touching the Value or Amount of any personal Estate; and if the Person so to be summoned, shall not, upon being served with such Summons, appear before the Assessors, or appearing, shall refuse to answer to Interrogatories upon Oath (or if of the People called Quakers) on Affirmation, touching the Value or Amount of the personal Estate of any Person or Persons within such City, Town, Manor, District, or Precinct, the Person or Persons so offending, shall, for every such Offence, forfeit the Sum of Five Pounds, to be recovered with Costs in an Action of Debt, in the Name of the Treasurer of the County; and when recovered, paid in like Manner as last aforesaid, so as the Person to be summoned, shall not be compelled to answer to any Interrogatories touching the Value or Amount of his or her Property.

Provided always, That no such Evidence shall be conclusive for forming any Assessment, but that the Assessors shall be at Liberty to determine the actual Value of such personal Property as aforesaid, by such Evidence as aforesaid, or any other Means, which in their Judgment, may be deemed most proper for estimating such actual Value.

XXVI. And

XXVI. *And be it further enacted by the Authority aforesaid, That any Lands vested in the People of this State, as Sovereign thereof, shall not be subject to be rated by Virtue of this Act.*

Lands vested in the State, not to be taxed. i.e. the forfeited Lands

C H A P. XVI.

An Act to compel the Payment of the Arrears of Taxes, for enforcing the Payment of Fines and Amerciaments, obliging Sheriffs to give Security for the due Execution of their Offices, and for other Purposes. Passed November 26th, 1784.

WHEREAS it has been represented to the Legislature, that the Tax directed to be raised by Virtue of the Act, entitled, "An Act for raising £100,000. within the several Counties therein mentioned," passed the 6th of May, 1784, has not been raised and collected; and that in some of the Towns, Manors, Districts, Precincts, and Wards, no Assessments have been made within the Time directed, and in others, the Assessments have been made without the Assessors having been previously qualified; and Doubts have arisen whether the said Tax can be collected without further legislative Provision;

Preamble, respecting the £100,000. Tax.

I. *Be it therefore enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the Authority of the same, That the Assessors of the respective Districts, Towns, Manors, Precincts, and Wards, in the several Counties wherein the said Tax was directed to be raised, who have not made or completed the Assessments, as directed by the said Act, shall, with all possible Dispatch, after the passing of this Act, make and complete the same in the Manner in and by the said Act required; and that each Assessor, if he hath not taken the following Oath, shall, before he proceeds on the Execution of his Office, take and subscribe, before a Justice of the Peace of the County wherein he*

Duty of Assessors where Assessments have not been made or completed.

he resides, and who is hereby required to administer the same, an Oath prescribed in and by the sixth Clause of an Act for increasing the Number of Assessors throughout this State, passed the 12th of May, 1778, and which Clause is in the Words following, viz.

Assessor's Oath.

" I an Assessor, elected for do solemnly and sincerely swear and declare, in the Presence of Almighty God, that I will honestly and impartially assess the several Persons and Estates within the And that in making such Assessments, I will, to the best of my Knowledge and Judgment, observe the Directions of the several Laws of this State, requiring and directing each respective Assessment to be made. So help me God."

Proviso.

Provided, That if any Assessor shall be of the People called Quakers, before he enters upon the Duties of his Office, he shall take a like Affirmation, instead of the Oath aforesaid.

Certain Assessments and Collections deemed valid.

IV. And be it further enacted by the Authority aforesaid, That the Assessments which have been made in Pursuance of the aforesaid Act, and the Tax, or any Part thereof which has been collected in Pursuance of the said Act, are hereby declared to be valid and effectual, notwithstanding the Assessors, at the Time of making such Assessment, had not taken the Oath or Affirmation by Law prescribed.

Preamble.

And whereas the Time limited in and by the aforesaid Act, for the Payment of the first Moiety of the Monies thereby directed to be raised, is elapsed;

When this Tax to be paid in State Treasury.

V. Be it therefore enacted by the Authority aforesaid, That the first Moiety of the said Tax shall be paid into the Treasury of this State, on or before the first Day of March next; and the other Moiety thereof, on or before the first Day of October next.

Certain Persons discharged from Suits, &c. however grievously they may have assessed particular and obnoxious Persons.

VI. And be it further enacted by the Authority aforesaid, That Joshua Pine, George Biggs, and Eden Hunt, Assessors of the Borough and Town of Westchester, who assessed the Sum apportioned to the said

said Borough and Town, pursuant to the Act for raising £100,000. within the several Counties therein mentioned, according to the Direction of the said Act, shall be, and are hereby declared to be discharged from Suits commenced against them respectively, for the Penalty of Twenty-five Pounds, as having been incurred by them respectively, for having neglected to take the Oath of an Assessor, as prescribed by the Act, entitled, "An Act for increasing the Number of Assessors throughout this State; and that the Attorney-General of this State shall enter Discontinuances in the said several Suits, and not further prosecute the same.

VII. *And be it further enacted by the Authority aforesaid*, That no Writ of Certiorari, already issued to remove the Proceedings of any Justice of the Peace, who may have given Judgment in Favour of any Collector, against any Person or Persons, for neglecting or refusing to pay the Tax assessed on him, her, or them, by Virtue of the said Act, entitled, "An Act for raising £100,000. within the several Counties therein mentioned," shall stay and supersede the Execution thereon; and that no Writ of Certiorari shall be hereafter allowed to remove the Proceedings of any Justice of the Peace, who shall give Judgment in Favour of any Collector, against any Person or Persons who shall neglect or refuse to pay the Tax assessed on him, her, or them, by Virtue of the Act aforesaid, or by Virtue of any of the Acts herein after mentioned, to compel the Payment of the Arrearage of Taxes therein specified; any Law to the Contrary notwithstanding.

No Writs of Certiorari already issued, to remove certain Proceedings to stay Execution thereon, nor shall such Writs hereafter be allowed to remove such Proceedings.

The following Act gives Relief to Persons improperly taxed, provided they prove to the Satisfaction of the Supervisors, &c. that they are not within the Description of Persons liable to be taxed by the preceding Acts.

C H A P. LXXV.

An Act for the Relief of Persons improperly taxed.
 Passed 20th of April, 1785.

Any Person making proof that he is improperly taxed, by the Act herein mentioned, how he is to be relieved.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the Authority of the same, That where any Person shall have been taxed by Virtue of the Act, entitled, "An Act for raising £100,000. within the several Counties therein mentioned," passed the sixth Day of May, One Thousand Seven Hundred and Eighty-four, who is not within the Description of Persons to be taxed by the said Law, shall make Proof thereof to the Satisfaction of the Supervisors of the County where such Person is taxed, at any future Meeting; the Supervisors in such Case, shall allow such Tax as a necessary and contingent Expence of the County, and charge the same to the Town, Manor, District, or Precinct, where such Tax was laid and collected; and the Treasurer of the County shall pay the Sum so collected to such Person so taxed as aforesaid, upon the Oath of the Supervisors for that Purpose, together with the Interest for the same, from the Time of collecting the said Tax; that in the City of New-York, where any Person shall make Proof to the Satisfaction of the Mayor, Aldermen and Commonalty in Common Council convened, of his being taxed by Virtue of the said Law, they shall allow and charge such Tax as a necessary and contingent Expence of the City, to be assessed and collected with the next Tax which shall thereafter be laid in the City, and laid and assessed upon the Persons of the Description mentioned in the said Act above-mentioned, as Objects thereof, and residing in the Ward in which the Person so taxed resided; and when collected, shall be paid to the Chamberlain of the said City, and the said Chamberlain shall, by Order from the Mayor, Aldermen, and Commonalty of the said City in Common Council convened, pay out of the Monies to arise by such Tax unto such Person, the Sum at which he was taxed, and which was collected from him, together with the Interest of the*

the same, from the Time it was received by the Collector.

Provido.

Provided always, That in Case any Person who shall conceive himself not within the Description of Persons liable to be taxed as aforesaid, should be desirous of having a Jury to investigate the Facts suggested by him, it shall be lawful for the Supervisors, or the Mayor, Aldermen, and Commonalty respectively, as aforesaid, on the Application of the said Person, to issue a Precept to the Sheriff of the City and County in which the Person so taxed may reside, commanding him to summon twelve Freemen or Freeholders of the City or County aforesaid, to enquire into the Facts suggested by the Person so taxed as aforesaid, at a Day and Place in the same mentioned. And the said Sheriff having summoned the same, shall proceed with the said Persons, to enquire into the Facts suggested by the Person so taxed, and shall report the Facts so found by them, under their Hands, to the Supervisors, and Mayor, or Aldermen, and Commonalty aforesaid; and the said Supervisors and Mayor, Aldermen and Commonalty respectively, shall determine upon the Facts reported to them, whether the said Person was within the Description of Persons liable to be taxed or not as aforesaid; and in Case he was not, they shall proceed to give him Relief in Manner aforesaid. And in Case the Person so summoned, shall not attend at the Time and Place appointed in the Precept aforesaid, the Sheriff may summon them to attend at some other Day and Place, giving the Person so taxed two Days Notice of the same; and the same Fees shall be allowed to the Sheriff and Jurors for the Business done in Compliance with this Act, as they are allowed on other civil Inquests, and shall be paid by the Party who applied for the Inquest, in Case he should be within the Description of Persons liable to be taxed by the Law before-mentioned, to be recovered by the Sheriff who attended the Inquest, in any Court of Record having Cognizance of the same; and in Case he should not be within the Description of Persons liable to be taxed as aforesaid, then the Costs shall be paid by him, and he shall have the same Relief from the Supervisors and Mayor, Aldermen and Commonalty, as is provided respecting the Tax so paid by him as aforesaid.

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THE
DEFINITIVE TREATY
OF
PEACE AND FRIENDSHIP,
BETWEEN

HIS BRITANNIC MAJESTY, and the
UNITED STATES OF AMERICA. Signed
at *Paris*, the 3d of *September*, 1783.

*In the Name of the Most Holy and Undivided
Trinity.*

IT having pleased the Divine Providence to dispose the Hearts of the Most Serene and Most Potent Prince *George the Third*, by the Grace of God, King of *Great Britain, France, and Ireland*, Defender of the Faith, Duke of *Brunswick and Lunenburg*, Arch-Treasurer and Prince Elector of the Holy Roman Empire, &c. and of the *United States of America*, to forget all past Misunderstandings and Differences that have unhappily interrupted the good Correspondence and Friendship which they mutually wish to restore; and to establish such a beneficial and satisfactory Inter-course between the Two Countries, upon the Ground of reciprocal Advantages and mutual Convenience, as may promote and secure to both perpetual Peace and Harmony; and having for this desirable End already laid the Foundation of Peace and Reconciliation, by the Provisional Articles signed at *Paris*,

ON

on the 30th of *November*, 1782, by the Commissioners empowered on each Part; which Articles were agreed to be inserted in, and to constitute the Treaty of Peace, proposed to be concluded between the Crown of *Great Britain* and the said *United States*, but which Treaty was not to be concluded until Terms of Peace should be agreed upon between *Great Britain* and *France*, and his *Britannic Majesty* should be ready to conclude such Treaty accordingly; and the Treaty between *Great Britain* and *France* having since been concluded, his *Britannic Majesty* and the *United States of America*, in order to carry into full Effect the Provisional Articles above-mentioned, according to the Tenor thereof, have constituted and appointed, that is to say, his *Britannic Majesty*, on his Part, *David Hartley*, Esq; Member of the Parliament of *Great Britain*; and the said *United States*, on their Part, *John Adams*, Esq; late a Commissioner of the *United States of America* at the Court of *Versailles*, late Delegate in Congress from the State of *Massachusetts*, and Chief Justice of the said State, and Minister Plenipotentiary of the said *United States* to their High Mightinesses the States General of the *United Netherlands*; *Benjamin Franklin*, Esq; late Delegate in Congress from the State of *Pennsylvania*, President of the Convention of the said State, and Minister Plenipotentiary from the *United States of America* at the Court of *Versailles*; *John Jay*, Esq; late President of Congress, and Chief Justice of the State of *New York*, and Minister Plenipotentiary from the said *United States* at the Court of *Madrid*; to be the Plenipotentiaries for the concluding and signing the present Definitive Treaty: Who, after having reciprocally communicated their respective Full Powers, have agreed upon and confirmed the following Articles:

ARTICLE I.

His *Britannic Majesty* acknowledges the said *United States*, viz. *New Hampshire*, *Massachusetts Bay*, *Rhode Island* and *Providence Plantations*, *Connecticut*, *New York*, *New Jersey*, *Pennsylvania*, *Delaware*, *Maryland*, *Virginia*, *North Carolina*, *South Carolina*, and *Georgia*,

Georgia, to be Free, Sovereign, and Independent States; that he treats with them as such; and for Himself, his Heirs and Successors, relinquishes all Claims to the Government, Propriety, and Territorial Rights of the same, and every Part thereof.

ARTICLE II.

And that all Disputes which might arise in future on the Subject of the Boundaries of the said *United States* may be prevented, it is hereby agreed and declared, that the following are and shall be their Boundaries, *viz.* From the North-West Angle of *Nova Scotia*, *viz.* that Angle which is formed by a Line drawn due North, from the Source of *Saint Croix* River to the Highlands, along the said Highlands which divide those Rivers that empty themselves into the River *St. Lawrence*, from those which fall into the *Atlantic Ocean*, to the North-Westernmost Head of *Connecticut* River; thence down along the Middle of that River to the Forty-fifth Degree of North Latitude; from thence by a Line due West on said Latitude until it strikes the River *Iroquois*, or *Cataraguy*; thence along the Middle of said River into Lake *Ontario*; through the Middle of said Lake, until it strikes the Communication by Water between that Lake and Lake *Erie*; thence along the Middle of said Communication into Lake *Erie*; through the Middle of said Lake, until it arrives at the Water-Communication between that Lake and Lake *Huron*; thence along the Middle of said Water-Communication into the Lake *Huron*; thence through the Middle of said Lake to the Water-Communication between that Lake and Lake *Superior*; thence thro' Lake *Superior*, Northward of the *Isles Royal* and *Pelipeaux*, to the *Long Lake*; thence through the Middle of said *Long Lake*, and the Water-Communication between it and the *Lake of the Woods*, to the said *Lake of the Woods*; thence through the said Lake to the most North-Western Point thereof, and from thence on a due West Course to the River *Mississippi*; thence by a Line to be drawn along the Middle of the said River *Mississippi*, until it shall intersect the Northernmost Part of the Thirty-first Degree of North Latitude. —South, by a Line to be drawn due East from the Determination

Determination of the Line last-mentioned, in the Latitude of Thirty-one Degrees North of the Equator, to the Middle of the River *Apalachicola* or *Catabouches*; thence along the Middle thereof to its Junction with the *Flint* River; thence strait to the Head of *St. Mary's* River, and thence down along the Middle of *St. Mary's* River to the *Atlantic* Ocean.—East, by a Line to be drawn along the Middle of the River *St. Croix*, from its Mouth in the Bay of *Fundy* to its Source; and from its Source directly North to the aforesaid Highlands, which divide the Rivers that fall into the *Atlantic* Ocean from those which fall into the River *St. Lawrence*: Comprehending all Islands within Twenty Leagues of any Part of the Shores of the *United States*, and lying between Lines to be drawn due East from the Points where the aforesaid Boundaries between *Nova Scotia* on the one Part, and *East Florida* on the other, shall respectively touch the Bay of *Fundy*, and the *Atlantic* Ocean; excepting such Islands as now are, or heretofore have been, within the Limits of the said Province of *Nova Scotia*.

ARTICLE III.

It is agreed, That the People of the *United States* shall continue to enjoy unmolested, the Right to take Fish of every Kind on the Grand Bank, and on all the other Banks of *Newfoundland*: Also in the Gulph of *St. Lawrence*, and at all other Places in the Sea, where the Inhabitants of both Countries used at any Time heretofore to Fish. And also, that the Inhabitants of the *United States* shall have Liberty to take Fish of every Kind on such Part of the Coast of *Newfoundland*, as *British* Fisherman shall use, (but not to dry or cure the same on that Island) and also on the Coasts, Bays and Creeks of all other of His *Britannic Majesty's* Dominions in *America*; and that the *American* Fishermen shall have Liberty to dry and cure Fish in any of the unsettled Bays, Harbours, and Creeks of *Nova Scotia*, *Magdalen Islands*, and *Labrador*, so long as the same shall remain unsettled; but so soon as the same, or either of them, shall be settled, it

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it shall not be lawful for the said Fishermen to dry or cure Fish at such Settlement, without a previous Agreement for that Purpose with the Inhabitants, Proprietors, or Possessors of the Ground.

ARTICLE IV.

It is agreed, That Creditors on either Side shall meet with no lawful Impediment to the Recovery of the full Value in Sterling Money of all *bona fide* Debts heretofore contracted.

ARTICLE V.

It is agreed, That the Congress shall earnestly recommend it to the Legislatures of the respective States, to provide for the Restitution of all Estates, Rights, and Properties which have been confiscated; belonging to real *British* Subjects: and also of the Estates, Rights, and Properties of Persons resident in Districts in the Possession of His Majesty's Arms, and who have not borne Arms against the said *United States*: and that Persons of any other Description shall have free Liberty to go to any Part or Parts of any of the Thirteen *United States*, and therein to remain Twelve Months unmolested in their Endeavours to obtain the Restitution of such of their Estates, Rights, and Properties as may have been confiscated: and that Congress shall also earnestly recommend to the several States, a Reconsideration and Revision of Acts or Laws perfectly consistent, not only with Justice and Equity, but with that Spirit of Conciliation, which, on the Return of the Blessings of Peace, should universally prevail. And that Congress shall also earnestly recommend to the several States, that the Estates, Rights, and Properties of such last-mentioned Persons shall be restored to them, they refunding to any Persons who may be now in Possession the *bona fide* Price (where any has been given) which such Persons may have paid on purchasing any of the said Lands, Rights, or Properties since the Confiscation.

And it is agreed, That all Persons who have any interest in confiscated Lands, either by Debts, Marriage Settlements, or otherwise, shall meet with no lawful Impediment in the Prosecution of their just Rights.

ARTICLE VI.

That there shall be no future Confiscations made, nor any Prosecutions commenced against any Person or Persons, for or by Reason of the Part which he or they may have taken in the present War; and that no Person shall, on that Account, suffer any future Loss or Damage, either in his Person, Liberty, or Property; and that those who may be in Confinement on such Charges, at the Time of the Ratification of the Treaty in *America*, shall be immediately set at Liberty, and the Prosecutions so commenced be discontinued,

ARTICLE VII.

There shall be a firm and perpetual Peace between His *Britannic* Majesty and the said States, and between the Subjects of the one, and the Citizens of the other, wherefore all Hostilities, both by Sea and Land, shall from henceforth cease; all Prisoners on both Sides shall be set at Liberty, and His *Britannic* Majesty shall, with all convenient Speed, and without causing any Destruction, or carrying away any Negroes, or other Property of the *American* Inhabitants, withdraw all his Armies, Garrisons, and Fleets from the said *United States*, and from every Port, Place, and Harbour within the same; leaving in all Fortifications the *American* Artillery that may be therein: and shall also Order, and cause all Archives, Records, Deeds and Papers belonging to any of the said States, or their Citizens, which in the Course of the War may have fallen into the Hands of his Officers, to be forthwith restored and delivered to the proper States and Persons to whom they belong.

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ARTICLE VIII.

The Navigation of the River *Mississippi*, from its Source to the Ocean, shall for ever remain free and open to the Subjects of *Great Britain*, and the Citizens of the *United States*.

ARTICLE IX.

In Case it should so happen that any Place or Territory belonging to *Great Britain*, or to the *United States*, should have been conquered by the Arms of either, from the other, before the Arrival of the said Provisional Articles in *America*, it is agreed that the same shall be restored without Difficulty, and without requiring any Compensation.

ARTICLE X.

The solemn Ratifications of the present Treaty, expedited in good and due Form, shall be exchanged between the contracting Parties in the Space of Six Months, or sooner, if possible, to be computed from the Day of the Signature of the present Treaty.

In Witness whereof, we, the undersigned, their Ministers Plenipotentiary, have in their Name, and in Virtue of our Full Powers, signed with our Hands the present Definitive Treaty, and caused the Seals of our Arms to be affixed thereto.

Done at *Paris*, this Third Day of *September*, in the Year of our Lord, One Thousand Seven Hundred and Eighty-three.

(L.S.) D. HARTLEY. (L.S.) JOHN ADAMS.
(L.S.) B. FRANKLIN.
(L.S.) JOHN JAY.

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APPENDIX, No. 1.

Extracts from the "Journal of the Senate
of the State of *New York*." Page 14.

" *Friday Morning, January 30, 1784.*

" The Senate met pursuant to Adjournment."

" A Message from his Excellency the Governor was
received, and read in the Words following, *viz.*

" GENTLEMEN,

" **I**T is with Pleasure I embrace the earliest Opportunity of laying before you, a Proclamation of the United States in Congress assembled, under their Seal, dated 14th Day of *January* Instant, announcing the Ratification of the Definitive Articles of Peace and Friendship, between these States and his Britannic Majesty, and enjoining a due Observance thereof.

" I also submit to your Consideration the Recommendation of the United States in Congress assembled, in Conformity to the said Articles contained in their Resolution of the said 14th of *January* Instant.

NEW YORK
30th *January*, 1784.

GEO. CLINTON."

" The

" The Proclamation and Recommendation accompanying his Excellency's Message were also read."

" *Ordered*, That his Excellency's Message be committed to a Committee of the whole."

" *Saturday Morning, March 27th 1784.*

" The Senate met pursuant to Adjournment."—
Page 71.

" *Resolved*, That this Senate will on *Monday Morning* next, resolve itself into a Committee of the whole, on his Excellency the Governor's Message of the 30th of *January* last, accompanying the *Ratification of the Definitive Articles of Peace*."

" *Monday Morning, March 29th, 1784.*

" The Senate met pursuant to Adjournment."

" The Senate, according to Order, Resolved itself into a Committee of the whole, on his Excellency the Governor's Message of the 30th of *January* last, accompanying the Ratification of the Definitive Articles of Peace, and the Recommendation of Congress of the 14th of *January* last, pursuant to the 5th Article of the said Definitive Articles; after some Time spent thereon, the President resumed the Chair, and Mr. *Outhoudt*, from the Committee, reported, That they had made some Progress therein, and that he was directed by the Committee, to move for Leave to sit again."

" *Ordered*, That Leave be given accordingly."

" *Tuesday Morning, March 30th, 1784.*

" The Senate met pursuant to Adjournment."—
Page 75.

" On the Report of the Committee of the whole, to whom were referred his Excellency the Governor's

nor's Message of the 30th of *January* last, accompanying the Ratification of the Definitive Articles of Peace, and the Recommendation of Congress of the 14th of *January* last, pursuant to the Fifth Article of the said Definitive Articles."

" *Resolved* (if the Honorable House of Assembly concur herein), That it appears to this Legislature, that in the Progress of the late War, the Adherents of the King of *Great Britain*, instead of being restrained to fair and mitigated Hostilities, which are only permitted by the Laws of Nations, have cruelly massacred without Regard to Age or Sex, many of our Citizens, and wantonly desolated, and laid Waste, a great Part of this State, by burning not only single Houses and other Buildings in many Parts of this State, but even whole Towns and Villages, and destroying other Property throughout a great Extent of Country, and in Enterprizes which had nothing but Vengeance for their Object.

" And that in consequence of such unwarrantable Operations, great Numbers of the Citizens of this State have, from affluent Circumstances, been reduced to Poverty and Distress."

" *Resolved*, That it appears to this Legislature, that divers of the Inhabitants of this State have continued to adhere to the King of *Great Britain*, after these States were declared Free and Independent; and persevered in aiding the said King, his Fleets and Armies, to subjugate these United States to Bondage.

" *Resolved*, That as on the one Hand the Rules of Justice do not require, so on the other, the public Tranquility will not permit, that such Adherents, who have been attainted, should be restored to the Rights of Citizenship.

" And that there can be no Reason for restoring Property, which has been confiscated or forfeited, the more especially as no Compensation is offered, on the Part of the said King, and his Adherents, for the Damages

gages sustained by this State and its Citizens, from the Desolation afore said."

" *Resolved therefore*, That while this Legislative entertain the highest Sense of national Honor, of the Sanction of Treaties, and of the Deferece which is due to the Advice of the United States in Congress assembled, they find it inconsistent with their Duty to comply with the Recommendation of the said United States, on the Subject Matter of the Fifth Article of the said Definitive Treaty of Peace."

" *Ordered*, " That Mr. Schuyler carry a Copy of the preceding Resolution to the Honorable the House of Assembly."

" *Friday Morning, April 2, 1784.*

" The Senate met pursuant to Adjournment."—Page 81.

" A Message from the Honorable the House of Assembly (by Mr. Gordon and Mr. Lott) was received with a Resolution of the Concurrence of that Honorable House, to the Resolutions of the Senate of the 30th *March* last, on the Report of the Committee to whom were referred his Excellency the Governor's Message of the 30th of *January* last."

" *Thursday Morning, April 15th, 1784.*—Page 98.

" The Senate met pursuant to Adjournment.

" *Ordered*, " That Mr. Swartwout and Mr. Allison, wait upon his Excellency the Governor, with a Copy of the concurrent Resolutions of the 30th and 31st *March* last, on the Recommendation of Congress on the Definitive Articles of Peace, and request him to transmit the same to Congress."

" *Wednesday,*

" *Wednesday Morning, May 12th, 1784.*—Page 145.

" The Senate met pursuant to Adjournment.

" A Message from the Honorable the Council of Revision (delivered by Mr. Chief Justice *Morris*) was received and read, That the Council object against the Bill, entitled, ' An Act for the speedy Sale of the confiscated and forfeited Estates within this State, and for other Purposes therein-mentioned,' becoming a Law of this State, as inconsistent with the Public Good.

Ante, Page 43,

First, " Because the Reasons set forth in their Objections against the Bill, entitled, ' An Act to encourage the Settlement of the Waste and unappropriated Lands within this State,' delivered to the Honorable the Assembly the 10th Instant, and to which the Council refer with equal Force against the present Bill.

Secondly, " Because by the said Bill, the Commissioners for the Sale of the said Lands, give no Security for the great Property that must come into their Hands; and in Case of their, or any of their Misconduct, the State will be without a Remedy.

" The Objections referred to by the Honorable the Council of Revision, as delivered to the Honorable the House of Assembly the 10th Instant, are in the Words following, *viz.*

" The Council object to that Part of the Fifth enacting Clause of the Bill, entitled, ' An Act to encourage the Settlement of the Waste and unappropriated Lands within this State,' by which Certificates, issued by the Continental Loan Officer in this State, for Monies lent to the United States, by the Inhabitants of this State, reduced to their Value in Specie, by the Continental Scale of Depreciation, are made receivable by this State, for the said Waste and unappropriated Lands."

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First,

First, "Because the said Certificates are the proper Debt of the United States, and not of this State only; and it is inconsistent with the public Good and public Faith, that the Legislature should, by Law, barter away the public Property of this State, for the Payment of the Debts of the United States, until the Debts of this State are fully and perfectly discharged.

Secondly, "Because receiving such Certificates as aforesaid, may interfere with the Arrangements of the United States, for discharging the public Debts.

Thirdly, "Because the receiving the said Certificates, will open a Door to fresh Frauds, and give a certain Disguise and Covering to past ones, which will render their Detection altogether impossible, until the Accounts of the respective States with the United States are settled; and though the Legislature may entertain the highest Opinion of the Uprightness of the public Servants of Congress, they can never be justified by their Constituents, in passing Laws that hold up to such Servants, the highest Temptations to depart from their Integrity, and give them the Security, that such Fraud, if ever discovered, will be when their Representatives only can answer for it."

"The Senate having considered the said Objections of the Honorable the Council of Revision to the said Bill, and having reconsidered the Bill, the President put the Question, whether the said Bill (notwithstanding the Objections of the Council to the same) should be a Law of this State, and it passed in the Affirmative."

"Thereupon Resolved, That the Bill (notwithstanding the Objections of the Council of Revision to the same) be a Law of this State."

"Ordered, That Mr. Ootboudt carry the Bill, with a Copy of the preceding Resolution to the Honorable the House of Assembly."

"A Mes-

" A Message from the Honorable the House of Assembly (by Mr. *R. Harper*, and Mr. *Lott*) was received, returning the said Bill, with a Copy of the following Resolution, *viz.*

" *Resolved*, That this Bill, entitled, ' An Act for the speedy Sale of the confiscated and forfeited Estates within this State, and for other Purposes therein mentioned,' (notwithstanding the Objections of the Council of Revision to the same) be a Law of this State."

A P P E N D I X, No. 2.

Extract from the Journal of the Assembly of the State of *New-York*, Page 166.

" *Wednesday*, Nine o'Clock, A. M. *May 12, 1784.*

" **A** Message from the Honorable the Council of Revision, was delivered by Mr. Chief Justice *Morris*, that he was directed by the Council to deliver to this House the Bill, entitled, *An Act to reserve the Freedom and Independence of this State, for other Purposes therein mentioned*, with a Copy of the Objections of the Council to the same. Ante, Page 133.

The said Objections being read, are in the Words following, *viz.*

" The Council object to the Bill."

First, ' Because, by the First enacting Clause, the voluntarily remaining with the Fleets and Armies of the King of *Great Britain*, is made an Offence highly penal; Whereas by the known Laws of all Nations, Persons who remain with their Possessions when the Country is over-run by a conquering Army, are at least excused, if not justified; and should our Laws

be made to retrospect in a Manner so directly contrary to the received Opinions of all civilized Nations, and even the known Principles of common Justice, it will be highly derogatory to the Honor of the State, and fill the Minds of our fellow Citizens with the Apprehension of suffering in future some heavy Punishment for that Conduct which at present is perfectly innocent.—Besides, 'was this Bill free from the Objections which lye against all retrospective and *ex post facto* Laws, the inconveniences which must unavoidably follow, should it become a Law of this State, are fully sufficient to shew that it is totally inconsistent with the public Good; for so large a Proportion of the Citizens remained in the Parts of the Southern District which were possessed by the *British* Armies, that in most places it would be difficult, and in many absolutely impossible, to find Men to fill the necessary Offices, even for conducting Elections, until a New set of Inhabitants could be procured.

Secondly, ' Because the Persons within the several Descriptions of Offences enumerated in the First enacting Clause, cannot be adjudged Guilty of Misprision of Treason, but on Conviction; and such Conviction cannot be had but on a Prosecution to be commenced, in the Course of which it will be necessary to shew, that the Defendant comes within one or other of the Descriptions in the said Clause. This must be a Prosecution, by Reason of the Part the Defendant may have taken during the War, directly in the Face of the Sixth Article of the Definitive Treaty, by which it is stipulated, " That no future Prosecutions shall be commenced against any Person or Persons, for, or by Reason of the Part which he or they may have taken in the War, and that no Person shall on that Account suffer any future Loss or Damages, either in his Person, Liberty, or Property."

Thirdly, ' Because by the Second enacting Clause of the said Bill, the Inspectors and Superintendants of the Election are constituted a Court, they being by the said Bill expressly authorized to enquire into, and determine the several Matters in the First enacting

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ing Clause; and their Judgment is conclusive to disfranchise: This is instituting a New Court, which does not proceed according to the Course of the Common Law, and is expressly against the Forty-first Section of the Constitution.

"The said Objections having been read and considered, and the said Bill reconsidered."

"Mr. Speaker put the Question, whether the Bill, notwithstanding the Objections of the Honorable the Council of Revision to the same, shall be a Law of this State, and it was carried in the Affirmative by more than two Thirds of the Members present."

"Thereupon *Resolved*, That the said Bill, notwithstanding the Objections of the Honorable the Council of Revision to the same, be a Law of this State."

"*Ordered*, That Mr. R. Harper and Mr. Lott, deliver the said Bill and Copy of Objections, and a Copy of the last preceding Resolution to the Honorable the Senate."

"A Copy of a Resolution of the Honorable the Senate, delivered by Mr. Parks, endorsed on the Bill therein mentioned, was read, and is in the Words following, *viz.*

"*Resolved*, That the Bill, entitled, *An Act to preserve the Freedom and Independence of this State, and for other Purposes therein mentioned*, notwithstanding the Objections of the Honorable the Council of Revision to the same, be a Law of this State."

APPENDIX. No. 3.

Extract from the Journal of the Assembly of the
State of *New York*, Page 85.

“ *Saturday*, Ten o’Clock, A. M. *March* 12th, 1785.

“ **A** Message from the Honorable the Council of Revision, was also delivered by the Honorable Mr. Justice *Hobart*; that he was directed by the Council to deliver to this House, a Copy of the Objections of the Council to the Bill, entitled, ‘ An Act to explain and amend an Act, entitled, an Act imposing Duties on certain Goods, Wares, and Merchandize, imported into this State,’ passed 18th *November*, 1784.”

Ante, Page 133.

“ *Monday*, Ten o’Clock, A. M. *March* 14th, 1785.
Page 88.

“ The House then proceeded to the Consideration of the Objections of the Council of Revision to the Bill, entitled, ‘ An Act to explain and amend an Act, entitled, An Act imposing Duties on certain Goods, Wares, and Merchandize imported into this State,’ passed 18th *November*, 1784; and the said Objections being read, are in the Words following, viz.

“ The Council object against the Bill becoming a Law of this State :

First, “ Because every attempt to regulate Trade by one State, without the concurrence of others, will produce injury to such State, without effecting any general good.

Secondly, “ Because partial burthens imposed on the Trade of a foreign Power, by any particular State, may produce partial Restraints on their Part upon the Trade of such State. Should this be the Effect of the Bill under Consideration, the Commerce
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of this State may be irretrievably ruined before any remedy can be applied.

Lastly, "Because the United States having appointed Ministers to form a Treaty of Commerce with *Great Britain*, this Bill may probably obstruct the Treaty, or contravene such Articles as they shall have been agreed upon, and the Law, in its Operation, be construed into an Infraction of the Treaty, before an opportunity can be offered to the Legislature to repeal the same."

"The said Objections having been read and considered, and the said Bill reconsidered, Mr. Speaker put the Question, whether the said Bill, notwithstanding the Objections of the Honorable the Council of the Revision to the same, shall be a Law of this State, and it was carried in the Affirmative, by more than two Thirds of the Members present.

"Thereupon *Resolved*, That the said Bill, notwithstanding the Objections of the Honorable the Council of Revision to the same, be a Law of this State.

"*Ordered*, That Mr. *Randall* deliver the said Bill and Objections to the Honorable the Senate."

"*Wednesday*, Ten o'Clock, A. M. *March* 16th, 1785,
Page 91.

"A Copy of a Resolution of the Honorable the Senate, delivered by Mr. *Russell*, with the Bill therein mentioned, was read, and is in the Words following, *viz.*

"*Resolved*, That the Bill, entitled, 'An Act to explain and amend an Act, entitled, An Act imposing Duties on certain Goods, Wares, and Merchandize, imported into this State,' passed 18th *November*, 1784, notwithstanding the Objections of the Honorable the Council of Revision to the same, be a Law of this State."

APPENDIX, No. 4.

Extract from the Journal of the Assembly of the
State of *New York*, Page 161.

"*Thursday*, Three o'Clock, P. M. *May 6th*, 1784.

"A Message from the Honorable the Council of Revision, was delivered by Mr. Chief Justice *Morris*, with the Bill and Objections therein mentioned, 'that he was directed by the said Council to deliver a Copy of their Objections to the Bill, entitled, *An Act for raising £.100,000, within the several Counties therein mentioned*, becoming a Law of this State."

Ante, P. 145.

"The said Objections of the Council being read, are in the Words following, *viz*:

"The Council object to the said Bill becoming a Law of this State;

"Because the Council conceive that Life, personal Liberty and Property are the Blessings which Governments were framed to preserve and protect.—That the two First are in little Danger under the most despotic Rulers, while the Last, which holds out a continued Temptation to the Rapacity of Governors, is only secured even in Free States, by the most vigilant Attention.

"That our happy Constitution has not been unmindful of proper Guards for the Security of this essential Right. If the Legislature frame the Laws under which the Taxes are levied.—If the Assessors Apportion them according to the known and stated Rules, being in this mere executive Officers, they may be punished by the Judicial, for a Violation of their Duty; and thus, the Legislative, Executive and Judicial being kept distinct, each serves to check the

the other, and protect the Property of the Citizen. That the Bill under Consideration removes all these Checks, when it directs that the Sums to be raised ' be rated and assessed according to the Estates, and other Circumstances and Abilities to pay Taxes, of each respective Person collectively considered.' That Property being the Measures of Taxation, to depart from this Rule, and to substitute an imaginary one, which only exists in the Opinion of the Assessor, is at once to vest him with legislative and executive Powers, and to take off the Controul of the Judicial, since where no Law is, there can be no Offence.

" If the Assessors are of the richer Class of Citizens, they will overburthen the Poor, if chosen among the Poor, they will endeavour to oppress the Rich.—Thus the first Effect of this Mode of Taxation, will be Parties among the different Classes of Citizens, whom mutual Interest and the Policy of Government, should bind together.—Party Spirit will make this Law the Engine of Oppression, and the Avarice and Resentment of those who prevail at Elections, becoming the Law of the Land, may be as fatal to Free Citizens, as the Rapacity of the most despotic Tyrant.

" That though the pressing Emergencies and public Dangers, may in some Circumstances, have palliated this Mode of Taxation, nothing can justify it in a Time of profound Peace, when regular System should be adopted.

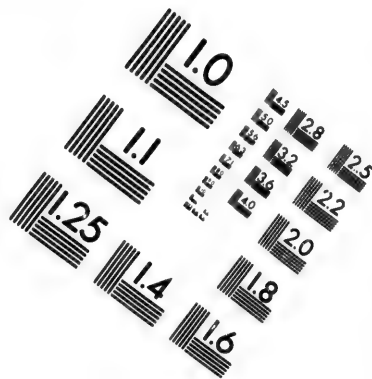
" The said Objections having been read and considered, and the said Bill reconsidered, Mr. Speaker put the Question, whether the said Bill, notwithstanding the Objections of the Honorable the Council of Revision to the same, shall be a Law of this State; and it was carried in the Affirmative, by more than two Thirds of the Members present.

" Thereupon Resolved, That the said Bill (notwithstanding the Objections of the Honorable the Council of Revision to the same) be a Law of this State.

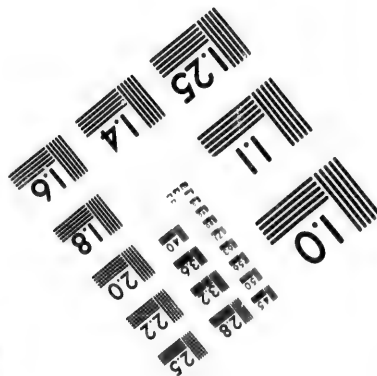
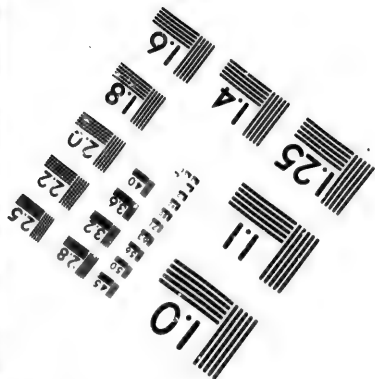
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" Ordered,





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" *Ordered*, That Mr. Clark and Mr. Sickles deliver the said Bill and Objections, and a Copy of the Resolution of this House, that it be a Law, to the Honorable the Senate.

" A Copy of a Resolution of the Honorable the Senate, was delivered by Mr. Webster, with the Bill therein mentioned, that the Bill, entitled, *An Act for raising £.100,000, within the several Counties therein mentioned*, notwithstanding the Objections of the Honorable the Council of Revision to the same, be a Law of this State."

APPENDIX, No. 5.

Objections of the Council of Revision to the "Act for the Indemnification of the Commissioners of Sequestration, and the Commissioners of Forfeitures, and the Lessees under them, and for other Purposes therein mentioned, Passed March 14th, 1785."

Ante P. 86.

Extract from the Journal of the Assembly of the State of New-York.

" *Friday, Ten o'Clock, A. M. March 11, 1785.*
Page 83.

THE House then proceeded to the Consideration of the Objections of the Honorable the Council of Revision, to the Bill, entitled, "*An Act for the Indemnification of the Commissioners of Sequestration, and the Commissioners of Forfeitures, and the Lessees under them, and for other Purposes therein mentioned,*"

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The said Objections being read, are in the Words following, *viz.*

The Council objected against the Bill, entitled, "An Act for the Indemnification of the Commissioners of Sequestration and the Commissioners of Forfeitures, and the Lessees under them, and for other Purposes therein mentioned," becoming a Law of this State.

First, Because the First Clause of the Bill enacts, that the late Commissioners of Sequestration, in the several Counties of this State, shall be, and are hereby declared to be indemnified for all and every Lease and Leases, made or given by them for Lands and Tenements, the Property of Persons who during the late War, have gone over to, remained with, or joined the Enemy; and that no Suit or Suits, already brought, shall be maintained or hereafter commenced against the said Commissioners of Sequestration, or against any Person or Persons holding under them, by any Person or Persons claiming Property in or to such Lands or Tenements.

If the Commissioners have pursued their Powers, such Indemnification is unnecessary; if they have exceeded or violated them, the Subject is as much entitled to his Damages, as to any other Part of his Property, nor can it be consistent with the Spirit of a free Constitution, by Law and without Trial to prevent them of it; though, perhaps the Legislature may conceive it just to compensate the Commissioner out of the Treasury of the State, where it shall appear on Trial, that by any extraordinary and well meant Exertion, he has rendered Services to the Community, and in Consequence thereof, Damages have been recovered against him.

Secondly, Because, if Land should be claimed by Persons not holding under those who have gone to the Enemy, but by a different Title, or if the Commissioners have exceeded their Powers in giving long Leases, the Persons entitled to the Possession, are by this Law, precluded from the legal means of recovering their Rights.

Thirdly, Because, as the State can do no wrong, unless Suits against their Officers are rather encouraged than checked, the Subject will in many Instances, suffer Injustice, neglecting the legal means to do himself Justice, least by an *ex post facto* Law he should find his Attempts frustrated, and his Damages encreased by the Cost and Expence he has been at; by which means, Persons cloathed with public Authority, whose Conduct should most narrowly be watched, will be tempted to commit Acts of Violence and Oppression.

The said Objections having been read and considered, and the said Bill reconsidered, Mr. Speaker put the Question, whether the said Bill, notwithstanding the Objections of the Honorable the Council of Revision to the same, shall be a Law of this State, and it was carried in the Affirmative, by more than two-thirds of the Members present.

Thereupon, *Resolved*, That the said Bill, (notwithstanding the Objections of the Honorable the Council of Revision to the same) be a Law of this State.

Ordered, That Mr. *Baker* deliver the said Bill and Objections, to the Honorable the Senate.

Monday, Three o'Clock, P. M. *March* 14th, 1785.
Page 88.

" A copy of a Resolution of the Honorable the Senate, delivered by Mr. *Ward*, was read, and is in the Words following, *viz.*

Resolved, That the Bill, entitled, " An Act for the Indemnification of the Commissioners of Sequestration and the Commissioners of Forfeitures, and the Lessees under them, and for other Purposes therein mentioned," notwithstanding the Objections of the Honorable the Council of Revision to the same, be a Law of this State.

APPENDIX, No 6.

Respecting British Debts.

Extract from the Journal of the Assembly of the
State of New York.

" *Wednesday, 4 o'Clock, P. M. April 21st, 1784.*
Page 135.

" A Petition of *Henry Remsen*, and sundry other Merchants of the City of *New York*, relative to their Losses by the Depreciation of the late Continental Bills of Credit; and a Memorial of *John Broome*, and sundry other Merchants of the said City, stating their Losses, by having advanced Specie to Congress for Paper Bills of Credit, and by having been inhibited from making Remittances to satisfy their Creditors, were severally read, and referred to *Mr. Malcom*, *Mr. Nicholson*, *Mr. Humfrey*, *Mr. Youngs*, and *Mr. Hustead*.

" *Wednesday, 9 o'Clock, A. M. May 12th, 1784.*
Page 167.

" *Mr. Malcom*, from the Committee to whom was referred the Memorial of *Henry Remsen*, *James Beckman*, and others, of the State of *New York*, Merchants, who have been in Exile during the late War, reported,

" That the Committee have maturely considered the Subject of the said Memorial; and having ascertained the several Facts which it contains, are of Opinion, that the Case of the Memorialists is attended with Circumstances of peculiar Hardship to that Class of Citizens particularly, that their Goods and Merchandize were taken from them for the public Use, and Payment made therefor in Paper Currency in various Stages of its Depreciation; while at the same they were, by Acts of Congress and of this State, inhibited from remitting to their *British* Creditors, when they could have done so to Advantage,

tage, by investing their Paper Money in Bills of Exchange and Articles of Produce; and moreover as a Consideration for the Purpose of restoring Peace to the *United States*, the Memorialists are, by the Definitive Treaty, subjected to the Payment of the Claims of their *British* Creditors, when by the Reasons aforesaid, as well as others expressed in their Memorial, they are in many Instances rendered incapable of doing so: And that the Committee are further of Opinion, That not only as Merchants, but as Inhabitants of the State of *New York*, which was the first Place within the *United States* where the *British* Fleets and Armies commenced their Operations in Force against the Country; the Memorialists were called upon previous to any other Class of Citizens, to make Sacrifices of their Property for the Support of the common Cause of the *United States*, and that therefore the Committee had agreed to, and directed him to report the following Resolution, *viz.*

Resolved, (if the Honorable the Senate concur herein) That the Legislature entertain the highest Sense of the patriotic Exertions of Messrs. *Henry Ramsen*, *James Beckman*, and others, Merchants of the State of *New York*, who have been in Exile during the late War; and of the Justice upon which the Claims, as set forth in their Memorial, presented to the Legislature the 20th of last *April*, are founded, yet as the *United States* at large have derived equal Advantages from the Sacrifices of Property which they have been called upon to make for the Preservation of the Liberties of *America*, the Application of the Memorialists ought to be made to the *United States* in Congress assembled; and to that Honorable Body the Case of the said Memorialists is by this Legislature most earnestly recommended.

Resolved, That this House do concur with the Committee in the said Report and Resolution.

Ordered, That Mr. *Malcom* and Mr. *N. Smith* deliver a Copy of the preceding Resolution to the Honorable the Senate for Concurrence.

A Copy

A Copy of a Resolution of the Honorable the Senate, delivered by Mr. *Parks* was read, concurring with this House in the preceding Resolution.

Extract from the Journal of the Assembly of the State of *New York*.

" *Wednesday*, Nine o'Clock, A. M. *April* 13th, 1785.
Page 154.

" *Mr. P. W. Yates*, from the Committee, to whom was referred the Petition of *Peter T. Curtin*, and others, Merchants of the City of *New York*, Reported, that among others, the following Facts are stated in the said Petition, viz.

First, " That they were among the First to relinquish and sacrifice their Business to the public good before the War commenced.

Secondly, " That they were a principal Cause of the Circulation, and assisted in supporting the Credit of the Paper Currency, at a critical and dangerous Period of Affairs.

" Thirdly, That they rendered important Services, by exchanging Gold and Silver for Bills of Credit, by loaning Monies to the Public when called upon, and by supplying large Quantities of Goods, at the usual Prices in Peace.

" Fourthly, That they paid a ready and cheerful Obedience to the Laws of their Country, by receiving in the Money then in Circulation, the Debts which were due to them, while at the same Time, for the Benefit of the Public, they were prevented from remitting to discharge those which they owed, by which Means their whole Fortunes were vested in, and of Consequence shared the Fate of the depreciated Currency,

" Fifthly,

" Fifthly, That they were again sacrificed to the public Interest, by the Stipulation in the Treaty of Peace, that they should pay their Debts in Sterling Money, while no Provision was made to enable them out of the whole of their Property in the Public Possession, to effect so just and desirable an Object.

" Sixthly, That they have been placed by the Public Hand on the Brink of Ruin.

" Seventhly, That they have been in a State of Exile during the War.

" Eighthly, That if some Mode is not adopted by the Legislature for their Relief, Ruin awaits them ; for that the Agents of their *British* Creditors are now in this Country, with Powers to prosecute their Claims.

" That the Committee are thereupon of Opinion, that the Petitioners are justly entitled to Relief, and the Interposition of the Legislature, and that a Bill should be brought in for that Purpose.

" *Resolved*, That the House do concur with the Committee in their Report : And

" *Ordered*, That the Committee, to whom the said Petition was referred, do prepare and bring in such Bill."

" *Saturday*, Three o'Clock, P. M. *April 16th*, 1785.
Page 161.

" *Mr. Randall*, from the Committee, who reported on the Petition of *Peter T. Curtenius*, and others, Merchants in the City of *New York*, according to Order, brought in a Bill entitled, " An Act for the Relief of the Persons therein mentioned, Merchants of the City of *New York*, who were previous to the late War, and still are indebted to the Merchants of *Great Britain*, and for other Purposes therein mentioned," which was read the first Time, and ordered a second Reading."

" *Saturday*,

Saturday, Three o'Clock, P. M. April 23d, 1785.
Page 179.

Whereas a Committee of Congress, to whom was referred a Memorial from the Merchants of the City of *New York*, setting forth the peculiar Losses they have sustained during the late War, by their Exertions to support the Credit of the Paper Currency, did report, that they had taken the said Memorial into Consideration, and had weighed the Subject Matter with that degree of Attention which an Application from so respectable a Class of Citizens deserved: That they were impressed with a thorough Conviction of the heavy Losses they had sustained during the late War, from the Depreciation of the Paper Currency, Loan Office Certificates, and other Public Securities: That when, in Addition to such Losses they contemplated the Merit of those who suffered them, it could not but increase their Concern that the Power of Relief was not within the Compass of the Federal Resources, without making a Discrimination between them and other Citizens in different Parts of the Union, who have sustained Losses of the same Nature, and in a similar Extent; but that while they viewed such Discrimination, as inconsistent with the Principles of private Justice and the public Interest, and under that Impression forbore to advise it, they entertained so strong a Sense of the Losses sustained by the Memorialists, and their Claims to every degree of Attention, that they deemed it expedient to recommend them to the Notice of the Legislature of this State. Whereupon Congress did resolve, That the Claims of the said Memorialists be referred to the Legislature of this State; and that it be recommended to them to make such Provision for the Memorialists as they might judge proper, in Consideration of their Merits.

And whereas this House are fully sensible of the heavy Losses to which the aforementioned Memorialists have been exposed, by Reason of the Depreciation of the Paper Currency, and of their Exertions to support the Freedom and Independance of this Country; and that their Claims justly merit the Attention of the Legislature; but as an Adjournment

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wild so shortly take Place, an effectual and substantial Relief cannot now be afforded them.

And whereas, the said Memorialists are threatend with immediate Prosecutions for the Recovery of Debts owing by them to British Creditors, and which Debts, were contracted previous to the late Revolution.

Therefore, *Resolved*, (if the Honorable Senate concur therein) That it be recommended to the *British* Creditors of the Memorialists, and to their Attornies or Agents in this Country, to forbear commencing Suits against the said Memorialists, or any or either of them, for Debts contracted previous to the Ninth Day of *July*, 1776, until the next Meeting of the Legislature; thereby affording them a Respite from Distress, and the Legislature a suitable Occasion to investigate the Subject Matter of their Memorial, and to grant them that Relief which they may justly merit, and the Resources of the State admit of.

“ *Ordered*, That Mr. *Hatborn* deliver a Copy of the preceding Resolution to the Honorable the Senate.”

In the Senate, 23d *April*, 1785

Journal of the Senate.—Page 106.

The aforesaid “ Resolution being read and considered, thereupon

“ *Resolved*, That the Senate do concur with the Honorable the Assembly in the preceding Resolution.

“ *Ordered*, That Mr. *M^cDougball* deliver a Copy of the preceding concurrent Resolution to the Honorable Assembly.”

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